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QUESTION OF THE HUMAN RIGHTS OF ALL PERSONS SUBJECTED TO ANY FORM OF DETENTION OR IMPRISONMENT, IN PARTICULAR: TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

Report of the Special Rapporteur, Mr. Nigel S. Rodley, submitted pursuant to Commission on Human Rights resolution 1997/38

Addendum

Summary of cases transmitted to Governments and replies received

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Afghanistan

1. On 25 April 1997, the Special Rapporteur sent an urgent appeal in conjunction with the Special Rapporteur on the situation of human rights in Afghanistan concerning the administration of amputation as a form of punishment by the Taliban authorities. According to reports received at the time, sentences of amputation may be decreed following summary trials by Islamic Courts or may be carried out on the orders of Taliban commanders or other officials. Amputation was said to be performed by doctors or, in some cases, by Taliban guards. One man reportedly underwent amputation of his hand and foot on 21 April 1997 and at least two other persons were reported to be awaiting amputation. Expressing the view that corporal punishment, particularly those forms which cause pain and/or mutilation or permanent disfigurement, is inconsistent with the prohibition of torture and other cruel, inhuman or degrading treatment or punishment, the Special Rapporteurs appealed to the Taliban authorities to ensure that no further acts of amputation are carried out.

2. On 2 June 1997, the Special Rapporteur transmitted an urgent appeal in conjunction with the Special Rapporteurs on the situation of human rights in Afghanistan and on extrajudicial, summary or arbitrary executions on behalf of Ismail Khan, an opposition general and former governor of Herat province. He was reportedly arrested by other opposition forces on or around 19 May 1997 and handed over to the Taliban authorities in the city of Kandahar.

Albania

3. On 11 February 1997, the Special Rapporteur sent an urgent appeal on behalf of a large number of demonstrators who had allegedly been arrested in connection with protests said to have taken place since January in several towns of the country. According to the information received, some of these detainees, particularly at Vlora, Berat and Korça, were severely beaten in police stations. In its letter of 12 March 1997, the Government replied that, since no complaint had been lodged with the Government Procurator's Office or the courts against the armed forces, it was impossible to confirm the allegations.

Algeria

4. By letter of 17 November 1997, the Special Rapporteur informed the Government that he had received reports concerning the following persons.

5. Rachid Mesli, a human rights lawyer, allegedly abducted in the Rouiba area near Algiers, on 31 July 1996. On 7 August, police reportedly informed his relatives that he was detained in Reghai. On 10 August, Rachid Mesli was allegedly brought before a magistrate, at which time he is said to have appeared in poor physical condition, with bruises on his right eye and hand. He was then transferred to the prison of El-Harrache, where his detention conditions are reported to have improved, though still described as harsh, and he was allowed visits from his family and lawyers. No investigation is said to have been carried out into his alleged ill-treatment.

6. Hassan Cherif and his brother Hakim, aged 17 and 18 respectively, reportedly arrested on 2 August 1996 and kept for 17 days in garde à vue (detention) at the commissariat of Bab Ezzouar, Algiers, on suspicion of having links with an armed opposition group. They are said to have been subjected to torture during detention, including subjection to electric shocks and the suffocation method known as "chiffon". Hassan was reportedly hit with a gun as a result of which his nose was broken. His brother Hakim is said to have sustained a broken leg. They were further allegedly threatened with rape. A request for a medical examination by their lawyer on 15 September 1996 had reportedly not been responded to by April 1997.

7. Brahim Abdullatif, reportedly arrested at his home on 6 January 1997, taken to the gendarmerie station where he is said to have been detained until 6 March 1997 before being transferred to the prison of El-Harrache where he allegedly still remained in September 1997. During his detention in the gendarmerie station, he was allegedly subjected to torture including electric shocks. At night, he was allegedly left hanging from a pillar or tree with his hands tied. Further, he is said to have been burned with a hot iron, leaving marks on the right side of his body. In his cell, ventilation was provided only by a small hole. He was reportedly interrogated with a camera directed at his face and his legs bound with electric wires. As a result of the torture, he is said to have become deaf and almost lost his left eye.

Urgent appeals

8. On 15 May 1997, the Special Rapporteur transmitted an urgent appeal on behalf of Aziz Bouabdallah, a journalist with El-Alam El-Siyasi, who was allegedly arrested on 12 April 1997 by members of the security forces and denied any contacts with his family or lawyer. On 21 July 1997, the Government denied that Aziz Bouabdallah had ever been arrested by the security forces.

Argentina

9. By letter of 26 May 1997 the Special Rapporteur advised the Government that he had received information to the effect that on 22 January 1996 a group of detainees in a yard at the Córdoba remand centre had attempted to escape in a refuse truck. The attempt was foiled by guards but led to disturbances in several blocks. A large number of the inmates, including those not involved in the attempted escape, were reportedly stripped and made to lie for hours face down in the yard, where they were allegedly sprayed with water and beaten and shot at with rubber bullets, incidents for which there is photographic evidence. These events reportedly left about 200 injured and 3 dead. The lawyer who reported the facts to the relevant prosecutor's office is said to have received threats. The cameraman who had taken pictures of the inmates being ill-treated was also reportedly subjected to repeated threats and harassment.

Armenia

10. By letter dated 5 February 1997, the Special Rapporteur informed the Government that he had received information concerning the cases summarized below.

11. A number of persons detained in connection with the trial of Vahan Hovanessian, a senior member of the Armenian Revolutionary Federation Party (ARF), and 30 other persons accused of participation in attempting to stage an armed coup, were allegedly ill-treated or tortured following their arrest. Manvel Yeghiazarian was reportedly arrested on 29 July 1995 and assaulted along with his wife and children. He was taken to a prison hospital with concussion, bruising and fractured ribs. Ashot Avetsian was allegedly beaten with metal rods and subjected to electric shocks. Six of his relatives were also reportedly detained to pressure him into making a confession.

12. Amayak Oganesyan, who was drafted into the army on 1 May 1995, was allegedly ill-treated by his sergeant who verbally abused him, inflicted a knife wound near his ribs and hit him around the head with a spade. He was reportedly denied medical care and threatened that he would be "blown up on a mine" if he complained. He was further allegedly beaten by fellow soldiers at the instigation of the sergeant, as a result of which he lost consciousness. Eventually transferred to a hospital, he was allegedly beaten by a medical attendant when he was too weak to perform cleaning tasks. He was said to have been subjected to further beatings with sticks and an iron when he refused to give another soldier his clothes. Following the diagnosis of lymphosarcoma, he was eventually discharged from the army. An official complaint concerning his ill-treatment to the military authorities on 18 August 1995 was reportedly not responded to.

13. The Special Rapporteur transmitted the following cases in connection with allegations of ill-treatment by the police during demonstrations following the national elections of 22 September 1996:

(a) Ruben Akopian, a member of parliament from the suspended ARF, was reportedly detained on 25 September 1996 at the National Assembly building and allegedly kicked and beaten unconscious with gun butts;

(b) A number of persons were reportedly severely beaten with rifle butts and kicked with boots, when uniformed troops were said to have entered the premises of the opposition National Self-Determination Union (NSDU). Among them were reportedly NSDU President Garine Stepanian and staff members Ina Konstanian, Sophia Neshanian and Anahid Garabedian. Aramzd Zakanian, a member of parliament, was also allegedly beaten with fists and batons. According to the information received, he was subsequently detained and again subjected to beatings in police custody. He was said to have been transferred to hospital with a fractured skull, a broken rib and facial lacerations;

(c) Gagik Mkrtchyan, a reporter from the opposition Russian-language newspaper Golos Armenii (Voice of Armenia) and a member of the ARP, and David Varanian, a member of the opposition National Democratic Union, were reportedly detained on 26 September 1996 and taken to the 6th Department of the Ministry of Internal Affairs, where they were allegedly severely beaten.

Austria

14. By letter dated 17 February 1997 the Government provided additional information on two cases, which the Special Rapporteur had transmitted on 11 June 1996 and to which the Government had first replied on

11 September 1996. It concerned the cases of Wolfgang Purtscheller, a journalist allegedly arrested on 22 September 1994 and knocked unconscious by police officers, and Emad Faltas, an Egyptian national allegedly assaulted by members of the Vienna Drugs Squad on 21 June 1995 (E/CN.4/1997/7/Add.1, paras. 5-7).

15. Concerning the case of Wolfgang Purtscheller the Government stated that the Vienna Public Prosecutor's Office had found no grounds for further judicial prosecution of the officers accused and closed the case on 25 September 1997, since the judicial preliminary inquiries had produced no evidence of criminal behaviour.

16. With respect to the case of Emad Faltas the Government stated that the Vienna Court of Appeal, by judgement of 12 November 1996, had dismissed the appeal lodged by the Vienna Public Prosecutor's Office. The judgement of acquittal of the three detective officers by the Vienna Regional Criminal Court on 24 April 1996 was therefore said to be final.

17. The reply was transmitted to the source, who commented by letter dated 27 October 1997 that the Government had failed to provide further information on the nature of the judicial preliminary inquiries in the case of Wolfgang Purtscheller, nor had it indicated whether the inquiries had been conducted promptly and impartially, or explained how the conclusion had been arrived at. Concerning the case of Emad Faltas, the source commented that the Government's response had not mentioned whether a prompt and impartial investigation had taken place.

Azerbaijan

18. By letter dated 20 June 1997 the Special Rapporteur communicated the individual cases summarized in the paragraphs below.

19. Taptig Farhadoglu, a journalist with the news agency Turan, was reportedly beaten severely near Azadlig Square in Baku on 17 November 1996 by a group of men in civilian clothes, shortly after he had interviewed opposition politician Neimat Panahov. When he reported the incident to Saba district police department, he allegedly found one of the attackers there; he turned out to be the head of the district's 39th police department.

20. Murshud Mahmudov and Abulfat Kerimov were reportedly among 37 defendants in the case against the special police unit OPON, who were being tried on charges in connection with a coup d'état attempt in March 1995. They and some 22 other defendants had allegedly been subjected to physical or mental ill-treatment during their detention in the first half of 1996. Murshud Mahmudov allegedly had electric shocks applied to his ears and Abulfat Kerimov was said to have been hung upside down and beaten.

Bahrain

21. In a letter of 17 November 1997, the Special Rapporteur transmitted allegations that Yasser Abdul Hussein Ali Al-Sayakh was reportedly arrested at his home in the Jidali district of Manama by security forces on 5 December 1996. During interrogation at the 'Adlya Criminal Investigation

Department by two named officers about his alleged involvement in political activities, he was allegedly suspended by the hands, punched in the stomach and subjected to falaga (beatings on the soles of the feet) while being hung by the knees over a stick with his hands tied. He was further said to have been threatened with electric shocks and the pulling out of his fingernails. It was also reported that during a visit by the International Committee of the Red Cross, he was kept in a toilet with four other detainees until the delegation had left. As a result of the torture, he was reportedly suffering from pain in his back and legs as well as psychological problems.

Urgent appeals

22. On 27 March 1997, the Special Rapporteur made an urgent appeal on behalf of Sayyid Jalal Sayyid'Alawi Sharaf, who was reportedly arrested at his home in al-Duraz on 6 March 1997 and taken to the al-Qal'a compound in Manama. The reports indicated that he was being held incommunicado and had been beaten during interrogations. In a reply dated 15 April 1997, the Government strongly denied that Sayyid Jalal Sayyid'Alawi Sharaf had been mistreated, and assured the Special Rapporteur that the detainee had access to proper care as well as visitation rights.

23. On 4 April 1997, the Special Rapporteur transmitted an urgent appeal on behalf of Ali Hassan Yusuf, who was reportedly arrested in Jidd Hafs on 16 February 1997. He has reportedly been held incommunicado at Manama prison ever since. The Government reply of 28 April 1997 strongly denied allegations of mistreatment, and stated that Ali Hassan Yusuf had been released on bail on 16 April 1997.

24. The Special Rapporteur sent an urgent appeal on 7 October 1997, on behalf of Mohammed Ahmed Shafi'i, who was allegedly arrested by intelligence officials on 3 September 1997 in Hamad town. The reports indicated that he was being held incommunicado at the al-Qal'a compound in Manama.

Bhutan

25. On 21 August 1997 the Special Rapporteur transmitted an urgent appeal on behalf of five persons arrested in Pemagatshel district in July and August, allegedly for support of previously targeted political organizations: Gyamtsho (18 years old), Sangay Phuntsho, Tandin Wangchuk and Kinzang Chophel, all monks at Kheri Gompa monastery, and Sonam Tobgyel from Shumar village. In its reply of 2 September 1997, the Government denied that any person fitting Gyamtsho's description had been detained, but provided information about a 31-year-old farmer by the name of Jamtsho. It confirmed the arrest of the four other persons and gave assurances that their physical and mental integrity would be protected.

26. On 2 October 1997, the Special Rapporteur transmitted an urgent appeal concerning Dorji Norbu, Kunga, Dorji Tshewang and Namkha Dorji, who were reportedly arrested in eastern Bhutan by the Royal Bhutan Police on 10 September 1997. They were reportedly being held in Pemagatshel police station, where they were shackled and subjected to daily public floggings with willow and other branches. Also reported to have been arrested were Chhoeten Tshering, Tachi, Sengye Phuentshok and Chhoedra from Trashigang

district. In its letter of 17 October, the Government confirmed the detention of all the above persons, but denied that shackles and public floggings were being used.

27. On 31 October 1997, the Special Rapporteur sent an urgent appeal on behalf of Thinley, Sangay Tenzin (son of Dorji), Druki (son of Tshering Dorji) and Ugen Wangdi (son of Urpi), who were allegedly among 26 people arrested by the Royal Bhutan Police in eastern Bhutan on 23 October 1997 in connection with a peaceful demonstration. They were allegedly chained in groups of four and forced to walk to Samdrup Jonkhar prison, where they were allegedly subjected to a form of torture in which the thighs are pressed between two rods (chepua), and threatened with further torture if they did not cease their activities.

28. In a letter of 26 November 1997, the Government confirmed the arrest of the four men, but denied the allegations of ill-treatment or torture, and stated that the detainees had been brought before the Samdrupjongkhar District Court on 27 October 1997. It explained that the prisoners were not chained and assured the Special Rapporteur that torture is prohibited by law and that detainees have access both to a lawyer and to their relatives.

Bolivia

29. On 29 January 1997 the Special Rapporteur made an urgent appeal to the Government on behalf of Waldo Albarracín, President of the Permanent Human Rights Assembly, who was reportedly detained in La Paz by plain-clothes policemen. The latter are said to have taken him to an unidentified location, where they allegedly beat him for several hours and threatened him with death. Afterwards they reportedly brought him to the judicial police headquarters, from which he was ordered to be taken to hospital. On 3 March 1997, the Government replied that Mr. Albarracín had been released and that the reason for his detention was being investigated by a commission of the National Congress.

Brazil

30. On 26 May 1997 the Special Rapporteur transmitted the following individual cases to the Government.

31. Carlos da Silva was detained on 25 February 1995 by the military police after having stolen a car in the Santo Amaro district of São Paulo. Despite having got out of the car with his hands up when caught, he was allegedly fired at by one of the policemen. Afterwards he was reportedly taken to a vacant lot, where he was allegedly subjected to various forms of torture, such as being beaten in the testicles and having his hands trampled on while four policemen pointed guns at his head. The case had reportedly been brought before the military courts.

32. José Ivanildo Sampaio de Souza was arrested on 24 October 1995 in connection with a drug-trafficking offence in Fortaleza, Ceará, by members of the Federal Police. He died the following day in custody. Doctors of the Institute of Forensic Medicine are said to have given the cause of death as internal haemorrhaging as a result of injury with a blunt object. They also

reportedly found bruising of the chest, thighs and wrists and four broken ribs. Once the investigation had been completed the case is said to have been referred to the federal investigation service for it to decide on the prosecution of seven federal police officers allegedly involved. On 5 July 1996 the Federal Chamber of Deputies approved the award of a monthly pension to the victim's family.

33. José Wilson Pinheiro was detained on 15 August 1996 in a state of intoxication and taken to the fifth district police station in Fortaleza. While in custody he was allegedly subjected to torture, causing various injuries that included a perforation of the right eye. The police reportedly maintained that the injuries had been caused by another detainee, a fact said to have been denied by the victim.

Urgent appeals

34. On 20 January 1997 the Special Rapporteur, together with the Special Rapporteur on extrajudicial, summary or arbitrary executions, made an urgent appeal on behalf of the witnesses to an incident in which alleged members of a death squad were said to have died as a result of excessive use of force by the police in Cavaleiro, Pernambuco.

Bulgaria

35. On 11 July 1997, the Special Rapporteur transmitted to the Government the following cases.

36. Martin Zagorov and his brother Nedyalko Zagorov, aged 16 and 14 respectively, were reportedly taken for questioning to Shumen police station on 5 December 1996. Martin was allegedly handcuffed to a radiator while Nedyalko was allegedly beaten twice by an officer in order to obtain a confession. Martin was ordered to return the next day, and did so in the company of his mother, Valentina Zagorova. She was reportedly forbidden entry, and when she contested this, the station commander allegedly beat her and threw her across the room, breaking her hand.

37. Borislav Nedev and Georgi Yorgandzhiev, both police officers, were reportedly arrested on 4 October 1996 in Stara Zagora and beaten with truncheons on the premises of the Regional Directorate for Internal Affairs.

38. On 7 December 1996, Detelin Apostolov and his brother-in-law, Kiril Nikolov, were allegedly beaten with truncheons and kicked all over their bodies at the former's house in Drumohar, Kyustendil region, by police officers of the Sofia Department of Internal Affairs.

Follow-up to allegations and replies first considered in 1996

39. In his letter of 11 July 1997, the Special Rapporteur requested further information on the outcome of investigations and any developments in the cases dealt with in 1996 concerning the following persons: Ilya Dimitrov Gherginova, Gancho Stefanov, Vasil Vasilev, Desislav Pavlov, Assen Ivanov, Dimitur Velev, Velislav Dobrev, Kiril Yordanov, and Lybcho Terziev.

Burundi

40. On 8 April 1997, the Special Rapporteur sent an urgent appeal to the Government on behalf of the Reverend Eliezer Ntunzwenimana of the Union of Baptist Churches of Burundi, who was allegedly arrested on or about 15 March 1997 in the parish of Rohero, Bujumbura, on the charge of having provided medical care to members of armed Hutu groups. He is said to be incapable of walking without crutches as a result of the torture to which he was allegedly subjected at the Special Investigations Brigade (BSR) in Bujumbura.

41. On 28 April 1997, the Special Rapporteur sent an urgent appeal to the Government on behalf of a group comprising the following persons: Commandant Ndabacekure, an army officer; Captain Nziyimana, an army officer; Isaac Nitereka, an engineer and member of the Executive Committee of the Party for National Recovery (PARENA); Alexis Simbavimbere, a member of PARENA; Laurent Bimenyumuremyi, a deputy and representative of PARENA at Gitega; Emmanuel Manzi, Rwandan, a former member of the Rwandan Patriotic Front; Isidore Rufyikiri and Lt.-Col. Pascal Ntako, members of PARENA; Jean Paul Bizimana; and Léonidas Ntakaye, a member of PARENA's executive committee. They were allegedly arrested around 8 March 1997 on suspicion of having participated in a series of mine explosions at Bujumbura as well as a plot to assassinate the President, Major Buyoya. Most of them are said to have been detained initially in the National Intelligence Documentation Service at Bujumbura and then transferred to other places of detention outside the capital. It was also reported that all these persons were tortured and not allowed to receive visits from their families or lawyers.

42. On 29 May 1997, the Special Rapporteur sent another urgent appeal to the Government, this time on behalf of the 11 following persons who had allegedly been arrested between 8 and 26 April in various towns in connection with a series of mine explosions at Bujumbura: Djamali Nsabimana, Faidi Vyankandondera, Djamali Nzeyimana, Joseph Kamwenubusa, Arthur Nyankawindemera, Haruna Nyankawindemera, Hamisi Ramazani, Buyoya and Saïdo Habonimana, Yahya Hamisi and Hamadi Haruna.

43. On 12 June 1997, the Special Rapporteur, together with the Special Rapporteur on the situation of human rights in Burundi, sent a second urgent appeal to the Government in connection with the 10 persons on behalf of whom he had already appealed on 28 April 1997. According to new information received, they had all been tortured. One of them, Pascal Ntako, allegedly died after being refused medical care and Isidore Rufykiri was said to be in the military hospital of Bujumbura. Moreover, no news had been obtained of Laurent Bimenyumuremyi since he was last seen with a head injury, a week after his arrest, at the headquarters of the National Documentation Service at Bujumbura.

Cameroon

44. In a letter dated 1 July 1997, the Special Rapporteur transmitted to the Government the following cases, to which the Government replied on 5 September 1997.

45. Roger Alexis Wamba, Armand Mbe and Blaise Ngoune were allegedly arrested at the University of Yaoundé on 27 October 1996, accused of provoking unrest at the university. Initially they were allegedly detained overnight at the university where they were deprived of their clothes and beaten with sticks on their buttocks and the soles of their feet. In its reply, the Government confirmed the information concerning the arrest and charge of the above persons but said nothing about the alleged treatment to which they had been subjected.

46. Pa Mathias Gwei, Samuel Tita and Zacharia Khan were allegedly arrested and tortured as a result of violent incidents that occurred in the North-West Province in late March 1997. The first two were allegedly denied medical care and died as a result of torture and Zacharia Khan was said to have been severely beaten at the time of his arrest and shot in the thigh. The Government confirmed the arrests of Pa Mathias Gwei, Samuel Tita and Zacharia Khan. It stated that all three had received medical care but that Pa Mathias Gwei and Samuel Tita had died and Zacharia Khan, although improving, was allegedly still not in a state to undergo the questioning necessary to charge him.

Urgent appeals

47. On 15 May 1997, the Special Rapporteur sent an urgent appeal to the Government on behalf of a group of about 200 persons, most of whom were said to be members or sympathizers of the Social Democratic Front (SDF) opposition party, who had allegedly been arrested as a result of the same incidents as Pa Mathias Gwei, Samuel Tita and Zacharia Khan, referred to above. A large number of detainees (including Joseph Abongwi, Simon Achu, Gregory Afenji and Edet Che Ndingsah) had allegedly been denied any contact with their families, lawyers and doctors, despite the fact that some of them had allegedly been injured at the time of their arrest, such as Martin Chenwie, Thomas Fonkwa, Peter Nyamka Niba, Wilson Che Niba, Wilfred Angwafor Nji and Paul Tibit Toka. It was said that many of them were tortured at the time of their arrest and that one at least, also identified by the Special Rapporteur in his letter of 1 July as Samuel Tita, allegedly died under torture.

48. On 11 November 1997, the Special Rapporteur transmitted an urgent appeal on behalf of Justin Pokam, Thomas Seme, Konga Philip Kuate, Victoria Musong, Grégoire Diboule, Oliver Finya, Wavie Asago, Richard Nyieka, Stephen Aka, and Julius Mbenya, all members or supporters of the SDF, who were arrested between 6 and 29 October 1997 in the context of elections. Justin Pokam and Thomas Seme were both allegedly severely beaten in a police station in Yaoundé, while Oliver Finya, Wavie Asago, Richard Nyieka, Stephen Aka, and Julius Mbenya were all reportedly kept in especially harsh detention conditions and subjected to ill-treatment.

Chad

49. In a letter of 26 May 1997, the Special Rapporteur transmitted the following cases to the Government.

50. Edmond Mbaïhornom was arrested in March 1995 at Moundou, Western Logone, after pamphlets of the Armed Forces for the Federal Republic opposition group

were found in his home. In the course of his detention, he was allegedly placed in a cell called "the oven" because of the high temperature prevailing inside. On the second day, when he was being questioned, soldiers allegedly bound him hand and foot, threw him to the ground and kicked him with their boots; it is also said that they covered his face and poured water into his eyes and nose. Subsequently, he was allegedly forced to state on national radio that he had never been tortured.

51. Ndoyo Ambroise, chauffeur with the Méridien Biao Bank of Moundou, allegedly died in April 1995 as a result of injuries inflicted by a gendarmerie patrol which allegedly ordered him to stop when he was driving his car. According to the death certificate, he died of head injuries as a result of beating. It is said that although the family lodged a complaint with the Government Procurator of Moundou no legal action was taken.

52. Agboudja Hissein, from the village of Djoubjourmalak at Ati, in the Batha prefecture, in the centre of the country, allegedly died as a result of his injuries after having been violently beaten by the security forces in April 1995. Soldiers in the town of Ati allegedly beat Zakaria Daoud, as a result of which he died.

53. Ahmat Bougui Breme was allegedly beaten by security forces at Oumhadjer, in the Batha prefecture, in May 1995, because he refused to provide two soldiers with water free of charge. He allegedly died a few hours later.

54. Ndobi Abel was one of a group of persons arrested in August 1995 by soldiers in Kou-Douhou village in Western Logone. It was said that he was taken to a secret place of detention where he was tortured. He was subsequently taken to Moundou hospital for treatment and died the following day.

55. Mbaïtarem Nasson allegedly died after being tortured in August 1995 when he was detained by gendarmes at Moundou. He was reportedly forced to drink a large amount of water, tied to a tree, nails hammered into his head and then shot to death. Two other detainees, of whom one was Nguétigal Phil, were allegedly found dead in similar circumstances. The gendarmes responsible were not sanctioned in any way.

56. Belkoum Odette, accused of stealing bracelets and detained for over 10 days at the Béboto Brigade, Eastern Logone, was allegedly removed from her cell during the night of 25 to 26 September 1995 and taken by the police to her home where she died shortly afterwards as a result of ill-treatment. In order to obtain her confession, she had allegedly been forced to drink a large amount of water after which she was beaten and her nipples were burnt. Her daughter of 15 was allegedly tied in the arbatachar method and raped. It is said that the soldier primarily responsible for the death of Belkoum Odette and the rape of her daughter was arrested but escaped from prison and resumed his active service.

57. Mahamat Dare and Mahamat Sokou, accused of belonging to the Movement for Democracy and Development, were allegedly arrested at Moundou in 1995. Several weeks later they were transferred to Faya Largeau, where they died in November 1995. Throughout their detention they were allegedly subjected to

various forms of torture. For example, they were allegedly beaten with electric wire and placed in cells where the temperature was extremely high.

58. Ali Adoum Younouss, a student at N'Djamena, was allegedly arrested with his father, Younouss Adoum Faki, in December 1995 at Abéché (Quaddai). Ali Adoum Younouss was allegedly questioned at N'Djamena concerning his father's political activities and tortured by having a nail introduced into his urethra.

59. Mbaïlassem Gédéon, arrested on 9 March 1996 by the gendarmes of the Moundou rural subprefecture on suspicion of being a member of the opposition, was later found dead in the premises of the Investigations Brigade. The Government Procurator of Moundou allegedly informed his superiors that Mbaïlassem Gédéon had died of suffocation owing to the heat in a crowded cell intended only for eight persons. No judicial inquiry was initiated.

60. Mahamat Ahmat Hanat, alias Atroon, was allegedly arrested in November 1996 in connection with a civil case and tortured to death at the Fourth District police station in N'Djamena. The police then allegedly left his body in the morgue of the central hospital without any explanation.

61. Collective cases have also been reported. For example, in August 1995, dozens of soldiers in several vehicles allegedly beat the inhabitants of Karyo-Ba with rifle butts and sticks, causing serious injuries, particularly to two persons, Enoch Najibi and Moudjiba Enoch.

62. In August 1996 a group of students was allegedly arrested at the University of N'Djamena. It is reported that several of them were stripped, forced to lie on the ground where they were beaten and subjected to mock executions. One of them, Faustin Togobé, allegedly suffered abdominal injuries which required 18 stitches.

Urgent appeals

63. On 7 January 1997 the Special Rapporteur sent an urgent appeal to the Government concerning Nestor Mbaïlo, Vincent Mbaïnaissem, Grégoire Boltoungar, Fleuri Negadjingum, Emmanuel Maïadjim, Blaise Mbaïdoual, Polinaire Mbaodji and Raymond Mbaïlassem. These persons were allegedly arrested in August and September 1996 in Western Logone, in the southern part of the country, by members of the security forces who accused them of belonging to an armed group. Some of them were allegedly tortured and denied medical care.

Chile

64. On 22 September 1997 the Special Rapporteur transmitted the following 12 cases to the Government.

65. Julio Esperguel Santander was allegedly beaten by two motorized police officers (carabineros) on 31 December 1995 after refusing to show his papers; the Forensic Medical Service reportedly found him to have serious injuries. Juan Contreras was detained on 14 April 1996 by officers of the Pomaire police station, Santiago, who allegedly punched and kicked him; as a result of the beatings, which were reportedly confirmed at the San José de Melipilla

hospital, he is said to have had difficulty in walking for several days. Elvis Valdés Henríquez was detained at midnight on 16 February 1996 by investigating officials carrying out an anti-drugs operation, who apparently mistook him for someone they were trying to find; the police officers allegedly searched his mother's house and beat her, as well as the invalid Rodrigo Valdés Henríquez; after being transferred to the Renca district he was allegedly insulted and beaten, and had to be taken to the Colina treatment centre, where he was reportedly found to have various injuries. Agustín Figueroa Sepúlveda was detained together with a friend on 10 August 1996 by police officers who took them to the thirtieth police station in Santiago; there they reportedly punched and kicked him for about an hour, as a result of which Mr. Figueroa sustained a broken nose; he was also reportedly burnt on the back with cigarettes; he was taken to the fourth public assistance centre, where the injuries were confirmed. Andrés Meléndez Sánchez was detained in Santiago on 11 September 1996 as he was returning from work by police officers who reportedly threw him to the ground and punched and kicked him; he was then put into a van with other persons and taken to the fourth public assistance centre; the doctor put three stitches in a face wound and three other stitches in a wound in the head, furthermore noting a fracture of the right arm and bruises on the right shoulder and the ankles. Patricio Gana Valdés was detained on 24 September by police officers from the forty-second police station in Santiago; he was moved to the forty-first police station, where he was allegedly beaten repeatedly with a stick on the head and body; several days later his family took him to the Sótero del Río hospital with serious injuries. Peter Carter Zamorano was arrested on 30 September 1996 by two policemen from the fifth police station in Santiago, as he was sleeping in his car, and charged with driving while drunk; on the police premises he was allegedly punched and kicked by three or more officers; he was also allegedly handcuffed to a post, picked up by his feet and dumped violently on the ground. Vicente Melipil Barrera, aged 16, was detained on 11 October 1996 in Santiago while he was drinking beer in a car together with a friend; after taking the two persons into custody, the policemen reportedly kicked and beat them violently with a stick. Rigoberto Antonio Mallias Díaz joined the Cerrillos air force unit to carry out his compulsory military service in October 1996; in December of the same year, accused of having inadequately performed a military manoeuvre, he was reportedly blindfolded and subjected to continued beatings, together with various fellow servicemen; they were also allegedly obliged to lie down and make a "carpet"; i.e. once they were lying on the ground, non-commissioned officers allegedly came and trod on them. Richard Bustos Suárez was reportedly beaten on 2 January 1997 by police officers from the seventh police station in Santiago; he had gone to the station to make a statement about having been shot in the leg the previous day by policemen during an operation near his home. Marco Andrade Sánchez, an inmate at the high security prison, was reportedly beaten on 17 January 1997 by officers of the Special Police Counter-insurgency Unit; as a result he allegedly sustained, inter alia, an injury on the right eyebrow and a strained and dislocated left shoulder. Francisco Alberto Soto Pávez, a resident of the village of San Pablo, Pudahuel commune, was reportedly assaulted in the early hours of the morning of 30 April 1997 by officers from the Pudahuel North police station; as a result of the assault, witnessed by members of his family, he was admitted as an emergency case to the Brain Surgery Hospital.

Urgent appeals

66. On 25 April 1997 the Special Rapporteur sent an urgent appeal on behalf of Johnny Pérez Torres, Andrés Serrano Leiva, Dagoberto Contreras Llanes and Guillermo Saavedra Aguilera. These four 19-year-old conscripts were reportedly arrested in early April 1997 and accused of involvement in the murder of another conscript, whose body had been found three months after his disappearance. A deputy reportedly announced publicly that the four had been beaten, deprived of sleep and threatened by members of the army to make them confess to having participated in the crime.

China

67. On 27 January 1997, the Special Rapporteur transmitted the cases summarized in the paragraphs below.

68. A group of 14 Roman Catholics from Xiao County, Anhui province, were reportedly detained on 5 April 1996 while visiting local authorities to petition for the return of confiscated Church property. They were reportedly arrested by police officers, who allegedly beat the petitioners, causing some to lose consciousness. Zhou Guang'e, a woman in her 60s, Liu Fengxia, Dong Yimin and Zhang Zhonxiao were said to have been beaten for refusing to acknowledge being involved in an illegal religion. Zhou Guang'e's hair was allegedly pulled out.

69. Chen Longde was reportedly detained on 28 May 1996 in Zhejiang province for political activities considered to "endanger national security". He was subsequently assigned a three-year term of re-education through labour at Luoshan labour camp. Due to his refusal to acknowledge guilt and submission to the law in writing, a senior prison officer in the camp allegedly kicked, punched and beat him with an electric truncheon. A group of officers reportedly subjected him to a further series of kicks and beatings. Fellow-prisoners were said to have been offered reductions in their sentences if they succeeded in extracting the required report from him through beatings. To avoid further beatings, Chen Longde reportedly jumped from a third-storey window and was hospitalized with serious injuries.

70. The Special Rapporteur also transmitted the following cases from Tibet.

71. Tashi Dawa, a 17-year-old student at Dhanak Lomthen High Schoól in Dranang, and a classmate, Nima, were reportedly reprimanded by police in December 1992, for stating that Tibet was not a province of China and demanding more Tibetan teachers. Following their expulsion from school, together with 31 other students who had joined their protest, police officers reportedly took the students to a storeroom. There, they allegedly branded Dawa, Nima and a third student on the bridge of the nose with a hot iron rod. Dawa and Nima were then reportedly taken to Lokha prison and held for three months, during which they were said to have been beaten regularly. Nima allegedly sustained a broken leg and Dawa was said to have been beaten with rifle butts on the head.

72. Lama Kyap, teacher at a school in Siling which emphasizes Tibetan language and culture, was reportedly arrested one month after the school had

been opened with official permission in June 1993. He was allegedly detained for 32 days at Qinghai Hu Zhu district prison. During his detention, he was said to have been repeatedly interrogated as to whether the school had received funding and instructions from the Tibetan "Government in exile" in India. He was allegedly severely beaten, kicked, pressed for one half-hour with electric cattle prods, and struck repeatedly with rods on his head. His airtight room was reportedly sprayed with insecticide, forcing him to inhale the chemical for two days and causing sores in his throat. Following his release he was reportedly hospitalized for 2½ months.

73. Tsering Youdon, a 16-year-old girl, was reportedly arrested at her home in Lhuntse on 29 February 1994, following the arrest of the headmaster of her school. While interrogated at the police station as to whether the headmaster had taught her to demand independence for Tibet, a hot iron was allegedly placed firmly on her leg and left there for five minutes. She was reportedly also thrown against a desk, resulting in injuries to the head, and kicked in the stomach.

74. Thubten Tsering, a teacher who protested in March 1994 to the authorities in Meldrogongkar that students were not receiving sufficient instruction in the Tibetan language and led a demonstration for this purpose, was reportedly arrested together with 60 other demonstrators. He was reportedly detained for six months, with his hands and feet shackled, at the prison in Meldrogongkar. He was said to have been beaten every other day. For a substantial portion of his detention he was reportedly held in a concrete box the size of a coffin. He was reportedly released without having been taken to court and was forbidden from resuming his teaching duties.

75. Tenzin Yangzom, a nun, was reportedly arrested on 10 June 1994 after she had affixed a poster declaring Tibetan independence and a Tibetan flag to the main government building in Lhoka district. At the Tsethang Detention Centre, a police officer allegedly pushed her onto large, jagged stones. For five months she was reportedly kept in a cell smeared with faeces and urine. During the weekly interrogation she was allegedly beaten and shocked repeatedly with cattle prods to her stomach, breasts, back, face and arms. She was also allegedly punched and kicked and trampled upon with boots. After the five months, she was reportedly convicted at Tsethang People's High Court of being a "counter-revolutionary" and was sentenced to a three-year prison term. She was reportedly released for medical reasons, but forbidden to resume her life as a nun.

Urgent appeals sent and replies received

76. On 6 June 1997, the Special Rapporteur transmitted an urgent appeal on behalf of Liu Nianchun, Zhou Guoqiang and Gao Feng, detained at Shuanghe labour camp, who had allegedly embarked on hunger strikes in protest at extensions of their sentences. Liu Nianchun had allegedly been held in solitary confinement and subjected to electric shocks and deprivation of water as punishment for his hunger strike. He was said to be suffering from gastrointestinal problems, an enlarged lymph node, rectal bleeding, festering jaw sores and high blood pressure and was allegedly denied adequate medical treatment. Zhou Guoqiang, who reportedly suffered from tuberculosis, heart problems and nephritis, was also said to have been denied adequate medical

attention. In the same urgent appeal the Special Rapporteur addressed the case of Yao Zhenxiang and Yao Zhenxian, two brothers detained at the Dafeng penal farm in Jiangsu province near Shanghai, who had been arrested in April 1996. They had allegedly been beaten severely, were said to be in poor health and denied adequate treatment. Access to their family had reportedly been denied since October 1996. In its reply of 23 July 1997, the Government acknowledged the detention of the above-mentioned persons. It stated that Liu Nianchun and Zhou Guoqiang had both been committed to three-years of re-education at Shuanghe rehabilitation centre in Beijing for "instigating social disorder". In the case of Zhou Guoqiang this period had been prolonged by one year because he committed a serious infringement of the centre's regulations. Gao Feng was given two years and six months of re-education at the same centre for "causing social disturbance". The Government denied allegations that any of them had been mistreated or refused medical care. Liu Nianchun had complained of illness but was given medical attention and Zhou Guoqiang enjoyed normal health. Regarding Yao Zhenxiang and Yao Zhenxian, the Government stated that they had been committed to respectively three and two years of re-education through labour at No. 1 rehabilitation centre in Shanghai for "reproducing and distributing pornography". The Government assured the Special Rapporteur that they never suffered beating, could be visited by their families according to the regulations, and were given regular medical check-ups and on various occasions given leave to seek medical treatment in a hospital. According to the Government, they both enjoyed normal health at the time of reply.

77. On 30 June 1997, the Special Rapporteur sent an urgent appeal concerning Wei Jingsheng in Jile No. 1 prison, Tangshan, Hebei province, on whose behalf previous urgent appeals had been made by the Working Group on Arbitrary Detention in conjunction with the Special Rapporteurs on the independence of judges and lawyers and on freedom of opinion and expression. He had reportedly been subjected to repeated beatings by other inmates during which prison guards allegedly looked on without intervening. The main instigator of the beatings was said to have been awarded a reduction of sentence by the prison authorities. Wei Jingsheng was reportedly punished by denial of appropriate medical care although said to be suffering from a heart condition, high blood pressure, arthritis and damage to his cervical vertebrae. In its reply of 28 July 1997, the Government stated that Wei Jingsheng had barged into the prison storage room without permission on 29 May 1997 and physically assaulted the storage room clerk, a fellow prisoner. The latter did not fight back, but Wei was restrained by the guard on duty. The prison authorities took no action against Wei as he had admitted fault and promised not to behave like this again. The Government further assured the Special Rapporteur that his state of health was quite normal. Allegations that he had been beaten, suffered ill-health and had been denied medical treatment were unfounded.

78. On 7 October 1997 the Special Rapporteur transmitted an urgent appeal on behalf of Jampel Tendar, a Buddhist monk from Gongkar Choede monastery, near Lhasa, Tibet Autonomous Region. He was allegedly arrested in June 1997 after having declared his support for the Dalai Lama and detained at a detention centre in Tsethang and the Gutsa detention centre. He was said to have been beaten during arrest and in detention.

Colombia

79. On 20 January 1997 the Government replied with respect to the case of Jairo Garavito Tirado, transmitted by the Special Rapporteur in 1996. This person was allegedly tortured by members of a paramilitary group that had reportedly captured him in May 1995 in Betulia, Santander. The Government indicated that an investigation into this case had been opened and that the competent prosecutor had ordered the submission of evidence.

Cuba

80. On 22 September 1997 the Special Rapporteur advised the Government that he had received information about the following cases.

81. Adolfo Durán Figueredo, an inmate at the Camagüey Kilo 8 prison, was reportedly beaten on 21 April 1997 by a guard from ward No. 6. The beating allegedly resulted in a fracture of the left cheekbone, requiring him to be placed in the prison medical centre. Another inmate of the same prison, Víctor Gómez Díaz, was also reportedly tortured by guards on 5 May, causing him a head injury, a sprained left wrist and numerous bruises.

82. Lázaro García Menocal, an inmate at the Agüica prison, Matanzas, allegedly received a beating on 27 February 1997 when a letter addressed to the President of the National Assembly denouncing abuses against prisoners was confiscated from him during a search of his cell. It is further reported that he was confined to a punishment cell and that visits from his family were suspended.

Cyprus

83. By letter of 10 July 1997, the Special Rapporteur brought to the Government's attention allegations concerning Necip Sariçiçekli, who was reportedly arrested on 8 March 1997 in southern Cyprus on charges of espionage. While in custody, seven police officers allegedly severely beat him and threatened to kill him and his children. He is reported to have suffered a 5 centimetre bruise, consistent with impact from a blunt instrument, and multiple bruises and abrasions. In the Government's reply of 3 November 1997, it was said that force proportionate to the circumstances was used to restrain the accused at the time of arrest, but denied that he was in any way ill-treated while in custody.

Information received from Government concerning cases included in previous reports

84. In the case of Erkan Eğmez, who was reportedly detained and subjected to extensive beatings and other forms of ill-treatment by police in October 1995, the Government replied that, following receipt of a United Nations medical officer's report on the subject, the Attorney-General of the Republic decided to suspend criminal proceedings against Eğmez and to open an independent investigation of his complaints. In response to the complaint, the Ombudsman, who is the person legally empowered to investigate complaints of maltreatment by the police, produced a report in which he found that the facts complained of violated human rights and might constitute a criminal offence. Although

the Attorney-General of the Republic declared himself prepared to take criminal action against the perpetrators, this could not proceed without Erkan Eğmez's testimony which he was refusing to give. Complaints had, however, been submitted by him to the European Commission on Human Rights and the European Committee for the Prevention of Torture.

Democratic Republic of the Congo

85. On 19 September 1997, the Special Rapporteur, together with the Special Rapporteur on the situation of human rights in the Democratic Republic of the Congo, sent an urgent appeal to the Government on behalf of Didi Mwati Bulambo, Kylosho Kyalondawa and Donatien Mazombi Mutekulwa, members of the non-governmental organization Action Group for the Development of Human Rights, who were arrested at Kamituga in August.

86. On 28 November 1997, the Special Rapporteur, in conjunction with the Special Rapporteur on the situation of human rights in the Democratic Republic of the Congo, sent an urgent appeal on behalf of Ingele Ifoto, Elia Ona Bobo, Justin Kapempe, Kalinga Metre, Jean Pierre Ngoma, Rene Ndjoli Ngoma, Joseph Ngoma, Jean Marie Lukundji, Marccel Ngoy Wa Ngoyi and Atoba John, members of the political party Forces du Futur, who were allegedly arrested on 25 November 1997. According to reports, they were brought to the gendarmerie headquarters in Kinshasa, where they were all beaten.

Djibouti

87. On 2 October 1997 the Special Rapporteur sent an urgent appeal to the Government on behalf of Mohamed Kadamy Youssouf, a member of the Front for the Restoration of Unity and Democracy (FRUD) opposition movement, his wife Aicha Dabale Ahmed, Ali Mohamed Maki Houmed, Mohamed Daoud Chehem and Kamil Mohamed Ahmed, also members of FRUD. These persons, belonging to the Afar ethnic group, were allegedly arrested in Ethiopia on 26 September 1997 and handed over to the Djibouti authorities the following day. Since then they have been detained incommunicado at a detention centre in the capital.

Ecuador

88. By letter of 9 December 1996 the Government referred to a series of cases transmitted by the Special Rapporteur in 1995 concerning Peruvian citizens reportedly arrested and tortured by Ecuadorian authorities (E/CN.4/1995/34, paras. 167-171). According to this reply, of the Peruvian citizens mentioned by the Special Rapporteur only Camacho Panta Céspedes, Luis Enrique Adanaque Camacho and Alonso Saba Morales had been arrested.

Urgent appeals

89. On 21 March 1997 the Special Rapporteur sent an urgent appeal concerning the situation in the García Morena prison, Quito. According to information received, in the night of 17 March 1997 a group of prisoners, including Lincoln Polit, Luis Lavalle, Francisco Sánchez, Roberto Agustín García, Jaime Martínez and Arturo Bermúdez, were seriously ill-treated after beginning a peaceful hunger strike to urge the authorities to honour certain agreements that had been reached. On the above-mentioned date several hooded members of

the National Police allegedly beat the prisoners with batons and pipes and fired pellets at them, causing various injuries. The prisoners had reportedly expressed fears that such actions might be repeated.

Egypt

90. By letter dated 28 April 1997 the Special Rapporteur transmitted to the Government information on the cases summarized below.

91. Ashraf 'Uwais Sulayman was reportedly arrested on 9 July 1994 in the "Ahnassia Case" involving alleged members of al-Gama'a al Islamiya. At the State Security Investigations (SSI) branch in Bani Sueif, he was allegedly blindfolded, handcuffed, punched in the face, kicked and repeatedly subjected to electric shocks. A forensic medical examination revealed several trauma injuries. Ten other persons in the case had allegedly been acquitted on a court ruling that their confessions had been extracted under torture.

92. Mohammad Mohammad Ibraheem Toaima was reportedly arrested on 20 December 1994 on suspicion of involvement in al-Gama'a al-Islamiya. At the SSI headquarters in Shubra he was allegedly subjected to suspension from the wrists, resulting in a dislocated left arm.

93. Abdel-Lateef Idris Ismail was reportedly detained at Heliopolis police station on 25 March 1995 accused of stealing a tape recorder from his work. Three named officers allegedly stripped him, suspended him by the feet from the ceiling fan and applied electric shocks. As a result, he reportedly suffered paralysis of the left arm and foot, inability to speak, hysteria and burns on the back.

94. Kamal Ibraheem Hamed was reportedly arrested on 10 April 1995 and held until 16 April in Ittsa police station in Fayyom. Two identified police officers allegedly beat him, placed an electric cable on his back, stripped and bound him in a steel contraption.

95. Mohammed Ahmad Mustapha, Jaber Ahmad Mustapha, Youssef Abdu Youssef and Atef Abdalla Razeq were reportedly arrested in Port Said on 27 May 1995, suspected of having set fire to an effigy of [British Marshal] Allenby. At Al-Dawahi police station they were allegedly beaten with sticks and lashes and had buckets of cold water poured over them. Beatings were said to have continued at the Criminal Investigations Unit.

96. Hanem Ahmad Mahmoud Shehata Al-Sutuhi (female), arrested on 16 August 1995, and Abdel-Megeid Al-Tohami Al-Issawi were both reportedly tortured in police custody by identified officers on suspicion of involvement in a killing in Meet-Ghamr. Hanem was allegedly subjected to electric shocks and beatings with a stick to coerce a confession. Abdel Megeid was allegedly slapped in the face, had his hands tied behind his back, was forced to sleep face-down and beaten with bamboo sticks on his feet.

97. Mohsen Saeed Abu Zeid, a driver, was allegedly subjected to severe beatings on 23 October 1995 at the Abassiyya bridge in Cairo by identified officials of the Special Guard and the Police. The beatings, which were allegedly inflicted by fists, kicking and the butt of a gun, were said to have

lasted for four hours. When Mohsen Saeed Abu Zeid registered a complaint at Wayli police station, he was allegedly threatened with detention as a reprisal.

98. Mohammad Wagdi Mohammad Durra was reportedly arrested and tortured at the SSI building in Tanta on three occasions between January 1995 and October 1996 following his conversion from Islam to Christianity. He was allegedly subjected to electric shocks, beatings, suspension by the wrists and left in his underclothes for prolonged periods. His interrogators reportedly tried to obtain from him information about other converts.

99. Some 100 prisoners at the high security prison in Cairo were reportedly subjected to collective punishment by flogging on 17 June 1996, after a watch had been discovered in one inmate's cell and part of a ball-point pen had been found in another cell. They were allegedly stripped and flogged with whips on their backs and feet. Among the prisoners were reportedly: Safwat Ahmad Hassan Abdel Ghani, Muhammad Sa'eed Atiyya, Nabeel Abdel Fattah, Amal Abdel Wahab Hassan, Nasir Shaaban Sadiq, Badr Muhammad Metwally, Magdi Ahmad Mahmoud, Abdel Meguid Ali Ahmad, Hosam Muhammad Khamees, Ahmad Farghaly Mubarak, Anwar Okasha, Ahmad Abdo S'leem, Ahmad El-Sayed, Salaheddin Mohy Sayed, Ahmad Abdel Fattah, Alaa' Hamed, Ahmed Shehata Abdel 'Al, Mahmood Uthman, Salah Hussein Ibrahim Sabra, Abdel Hady Zeidam, Hisham Abdel Zaher Abdel Rahman, Muhammad Ibrahim Ibrahim, Abdallah Abdel Quddoos, Hamdi Muhammad Kamil, Sayed Farag Muhammad Farag, Abdallah Hussein Abul'Ela, Hudhayfa Ahmad Abdel Moety, Mohey Ali Abdel Hamid, Hani El-Shazli, Mokhtar Ahmad Hassan Hamza, Hilmy Okasha, Muhammad Mu'awad, Atef Abdel Gawad, Ahmad Ibrahim Khalil, Mohy Abdel Aziz, Gamal Uthman, Atef Shehata Abdel 'Al, Ragab Abdel Ra'ouf Khalil, Hisham Ahmad Qassem, and Mustafa Muhammad Mahmoud.

Information received from the Government on cases included in previous reports

100. On 5 March 1997, the Government replied to a number of cases transmitted in previous years (see E/CN.4/1996/35/Add.1, paras. 182-210 and E/CN.4/1997/7/Add.1, paras. 124-142). The replies are summarized in the following paragraphs.

101. With respect to the following 14 persons, allegedly subjected to torture, the Government stated that the Assistant Attorney-General's Office for Human Rights had sent several summonses to them, but that none of them answered those summonses. In order to complete the investigations, the Government requested updated information concerning the places of residence of: Gamil Hassan Metwalli Sayyid, Mustafa Sadiq Ibrahim Ibrahim Musa, Ashraf Abul Hassan Ibrahim Qasim, Muhamad Alawi Ali Abdul Muhaimin, Atiyya Ahmad Muhammad al-Sayyid, Midhat al-Sayyid Ahmad Hilal, Muhammad Khalaf Youssuf Abdul Rahman Zayid, Ahmad Thabit Farag Muhamad, Atif Gamal Mahmoud Umran, Abul Magd Hani Sabir Siyam, Khalid Said Mahmoud, Mu'tazz Ali Abdul Karim Abdul Ghani, Tal'at Fuad Muhammad Qasim and Ahmad Fathi Hafiz al-Dhayit.

102. Regarding 17 of the persons accused in military cases Nos. 18 and 24, allegedly subjected to torture (Muhammad Samir Ubaid al-Sayyid, Khalid Abdul Fattah Hassan Mustafa, Khalifa Abdul Azim Abdul Aziz Khalifa, Yahya Khalafallah Muhammad Ali, Rabi' Ahmad Rikabi Ahmad, Za'id Abdul Sami' Ali Ammara, Ahmad Shawqi Thabit Abdul Al, Abdul Rahim Abdul Ghaffar Mursi Abdul

Bari, Muhammad Gallal Ahmad, Samir al-Sayyid Mahmoud Raihan, Yaseen Abdul Sattar Yaseen, Gamal Muhammad Abu Zaid Shabib Hilal, Tariq Metwalli al-Iraqi, Islam Ragab Abdul Hadi Sha'lan, Khalifa Abu Zaid Shabib Hilal, Tariq Metwalli Ahmad al-Tukhi and Yasir Haggag Ahmad Haggag), the Government replied that the accused officers had been summoned for questioning, but had denied the accusations. The victims had stated that they had been subjected to beatings, but they were unable to identify the persons responsible. The Department of Public Prosecutions had therefore closed the investigation.

103. With respect to the case of Ramadhan Mahmoud Ahmad, a lawyer who was allegedly tortured at the Abu Za'bal branch of the SSI in July 1994, the Government repeated its previous statement that the lawyer had presented a falsified visit permit when visiting a detained terrorist with the latter's wife. The Government again replied that the Department of Public Prosecution had begun an investigation and ordered the lawyer's release, but added that neither the lawyer nor the woman had lodged a complaint concerning torture.

104. In the case of 51 persons arrested at the village of Zayida, Ousim, Giza, on 5 December 1993, many of whom had allegedly been subjected to torture, the Government replied that nine police officials, who had been found responsible for abuses in the light of the findings of the investigation by the Assistant Attorney-General's Office for Human Rights, had been referred to the Criminal Court. The case was, however, said to have been postponed until 26 May 1997 so that the witnesses could be heard. By letter dated 28 April 1997, the Special Rapporteur requested to be kept informed of the developments in the case.

105. Concerning the collective case of Abdul Moneim Muhammad Sayyid Ahmad, Iman Abdul Moneim (13 years old), Muna Muhammad Gad, Ahmad Abdul Moneim Muhammad (12 years old) and Zain Ahmad Sabir, who were allegedly tortured during the period 14 to 24 July 1994 at Manshiyat Nasir police station, the Government stated that the Department of Public Prosecutions, after hearing the witnesses and considering the forensic medical report, had closed the investigation on 17 April 1997 due to inadequate evidence.

106. Concerning the case of Fath ul-Bab Abdul Moneim Sha'lan, allegedly beaten to death, and his son Yasser, allegedly tortured at Helwan police station in August 1994, the Government replied that the Department of Public Prosecutions had indicted one of the officers and other persons charged with using excessive force and causing injury. The Southern Cairo Criminal Court had on 23 September 1996 instructed the Department of Forensic Medicine to carry out a medical examination of the victims. No judgement had been handed down yet. By letter dated 28 April 1997, the Special Rapporteur requested the Government to be informed of the developments in the case.

107. With respect to the case of Magdi Shadhili Abdul Rahman, who was allegedly tortured at al-Maaza and Salam police stations in Cairo in March and June 1993, the Government stated that he had dropped his complaint after being questioned and that the case had been closed.

108. In the cases of Muhammad Muhammad Abdul Rahman and Khalid Sagr Ibrahim, both allegedly tortured at Zagazig police station in 1993, the Government stated that the Department of Public Prosecutions had heard the witnesses

and considered the forensic medical reports, but had closed the cases on 18 November 1993 and 11 May 1994 respectively due to inadequate evidence.

109. With respect to Muhammad Magdi Ibrahim, allegedly tortured at the Giza Security Directorate in September 1993, the Government replied that three officers found to have ill-treated the victim had been subjected to disciplinary action and docked three days' salary each.

110. In the case of Sami Lutfi Abul Magd, allegedly subjected to torture at Meet Ghamr police station in September 1993, the accused officer had been found guilty, subjected to disciplinary action and had been transferred to another police station.

111. Concerning Muhammad Ahmad Munir Shibl, allegedly tortured at 10th Ramadan police station in April 1994, the Government stated that he had been sentenced to six months' imprisonment for theft, but that he had not lodged a complaint in relation to torture.

112. In the cases of Muhammad Mubarak Muwafi and Gamal Mubarak Muwafi, both allegedly tortured at the Investigations Unit at Qooss police station in April 1994, the Government replied that the officer had been subjected to disciplinary action by being docked 10 days' salary.

113. With respect to Ahmad Ismail Ahmad, allegedly tortured at the 2nd Zagazig police station in November 1993, the Government stated that he was sentenced to six months' imprisonment for theft. Following his complaint that he had been tortured, the Department of Public Prosecutions heard the witnesses and considered the forensic medical report but closed the investigation due to inadequate evidence.

Urgent appeals

114. The Special Rapporteur transmitted two urgent appeals, on 23 June and 4 July 1997, on behalf of Hamdein Sabbahi, director of the Al-Watan-Arabi Information Center, Mohamed Abdu, veterinarian, Hamdi Heikal and Mohamed Soliman Fayad, both lawyers. All were reportedly arrested on or around 17 June 1997 in connection with their opposition to Law 69 of 1992, regulating the relation between landowners and tenants of agricultural land. They were allegedly subjected to torture by security officers at Tora penitentiary. In the urgent appeal dated 4 July 1997, the Special Rapporteur further raised the alleged arrest of some 250 farmers on 1 and 2 July in connection with protests against the agricultural law. At least 150 farmers were reportedly arrested in al-'Attaf in al-Mahalla al-Kubra, after some of them had allegedly set fire to the Agricultural Association building and warehouses. In Upper Egypt, 95 farmers were said to have been arrested.

Equatorial Guinea

115. The Special Rapporteur sent four urgent appeals to the Government. The first, dated 21 February 1997, was on behalf of Adamu Amado Gema Zang, a member of the Progress Party arrested in Cogo in June 1996, allegedly tortured and sentenced to rigorous imprisonment by a military court. It was also

reported that Mr. Gema Zang had serious health problems and that in November 1996 he asked to be examined by a physician, a request that had still not been granted.

116. The second appeal was sent on 11 July 1997 on behalf of Amancio Gabriel Nse Angue, Juan Nsogo Mbomio, Nicolás Eko Ndjoli, Pedro Ndong Mabale, Juan de Mata Ayong, Jesús Abena Evita, Hipólito Ndong, Manuel Afugu, Jovino Ovono, Antonio Ndumu Elo, José María Alogo and Amancio Abeso, all of them members of the Convergencia para la Democracia Social Party and residing in Bata; and Ramón Abaga Mba, Alberto Ndong Ncogo, Mariano Oyono Ndong, Pedro Ndong Mba, Santiago Elo Mba, Francisco Mba Abeso, José Nve Elo, Alejo Sima Oyono and Buenaventura Obiang Nsue, members of the Fuerza Demócrata Republicana Party (FDR). All of these persons were reportedly arrested without a warrant on 1 July 1997 by police officers in Bata and held incommunicado. On 18 July 1997 the Government reported that the members of the Fuerza Demócrata Republicana group had been arrested for ordinary offences and not political crimes and that they had been conditionally released on 8 July. The members of the Convergencia para la Democracia Social Party had provoked an incident with the owner of the premises they were occupying without paying the rent, that being the reason why the police had intervened; however, they had not been deprived of liberty. The Government also stated that no one could be deprived of his freedom for his political affiliation or participation in political activities as recognized by law.

117. The third urgent appeal was sent on 22 September 1997 on behalf of Sinecio Ngua Esono and Francisco Abeso Mba, arrested on 26 August 1997 in Mongomo, Río Muni. It is reported that both were members of the FDR and that they were arrested when Sinecio Ngua returned from Malabo after participating in a seminar on the independent press. For the first three weeks of detention they were reportedly kept in a container in the port of Bata, where they were allegedly severely beaten. On 15 September they are said to have been moved to the Bata prison, where they were allegedly held incommunicado and without medical assistance.

118. The fourth urgent appeal, dated 14 November 1997, was made on behalf of Felipe Ondo Obiang, former parliamentarian and leader of the Fuerza Demócrata Republicana, and Guillermo Nguema Ela, former Minister and a member of the FDR. They were allegedly arrested on 5 November 1997 in Libreville by Gabonese security forces and transferred the same day to Malabo. They were reportedly being held incommunicado.

Ethiopia

119. By letters dated 28 April and 17 November 1997, the Special Rapporteur transmitted the following cases to the Government.

120. Illiyas Mohamed Ibro, a member of the Oromo Liberation Front (OLF), was reportedly detained on three occasions between 1993 and 1995. During his second detention in June 1994 at the government army camp in Jijiga, he was allegedly beaten with electric wire each evening for 15 days. In January 1995, he was reportedly detained for two months in Harawaja and then

transferred to Gara Hakim military camp. For a month he allegedly had his arm tied tightly around his back for some four hours each day, as a result of which he was said to be permanently unable to extend his arm.

121. Ali Hayder was among some 200 persons reportedly detained from Makaballo village, Hararge, in late May 1996 by government soldiers and held in an army camp. There, soldiers allegedly tied his arms tightly behind his back and bound them to his legs while they rolled him over sharp stones and beat him with rifles. This treatment was reportedly carried out for some three hours on several consecutive days. After his family paid a bribe, the beatings were allegedly limited to the palms of his hands.

122. Gaali Nurreddin Hussein, from Omonada village, Jimma, Illubabor, a refugee since 1990 in Djibouti, was said to have been voluntarily repatriated by the Office of the United Nations High Commissioner for Refugees (UNHCR) in October 1995. Upon his arrival in Dire Dawa, officials reportedly declared his UNHCR papers "no good" and accused him of OLF membership. He was transferred to the second police station in Dire Dawa, where he was allegedly threatened with a pistol, stripped and whipped, and a container with 1½ litres of water was attached to his testicles. He was reportedly held without food for 28 days.

123. Abdul Bahar Abdurahiman, from Chalanko, East Hararge, was reportedly detained and tortured 10 times from 1992 to 1996, including 8 times at a secret detention centre at Kumutu military camp, near Chalanko. During his last detention of six weeks in January and February 1996, he was reportedly tied and beaten each day and given little food and water. He allegedly had a plastic rope tied around his neck in a mock hanging and a gun was put to his head while asked to reveal the whereabouts of OLF members.

124. Tamagne Beyene, an artist, was reportedly detained by plain-clothes police officers in Addis Ababa on 24 June 1996. He was reportedly interrogated at an unknown detention centre about his criticism of the Government. When he did not respond to questions relating to his ethnic origin, he was allegedly forced to run through a muddy field while being flogged and pushed into the mud over the course of 1 hour and 40 minutes. He was also said to have been beaten with a metal piece, forced to place his feet upon a chair with his hands on the ground, after which the officer allegedly jumped upon his back, threw him to the ground and beat him with a stick. Furthermore he was allegedly forced to perform various physical exercises while being beaten, kicked and flogged.

125. Mahmoud Ali Said was reportedly abducted by unidentified security agents in May 1995 from Birka-Tirtira, on suspicion of having links with the OLF. He was reported to have been held for 20 months in secret detention during which he was allegedly tortured, leaving him unable to stand or walk. In January 1997, he was said to have been transferred to Dire Dawa prison and later to Shinnilee. Suffering from hepatitis and gastritis, he had allegedly been denied medical treatment. The Special Rapporteur also made an urgent appeal on his behalf dated 17 February 1997.

126. Mustefa Dheko Tufa, a health worker, was reportedly arrested on two occasions by security forces in Addis Ababa, on 1 July 1992 and 2 March 1997. He is said to have been detained in the former navy camp and central investigation centre in Addis Ababa, on suspicion of supporting the OLF. During his detention, he was reportedly subjected to electric shocks, suspension and beatings with a gun as a result of which he was said to have lost a toe, to have a disabled left foot and occasional paralysis in his legs.

127. Dheko Tosa Tufa, a 65-year-old farmer from the village of Rira Dinsho in Bale province and the father of Mustafa Dheko Tufa, was reportedly detained by the army from 18 March until 31 December 1995 and rearrested in May 1997, on the accusation of supporting the OLF. During his detention at the army detention centres in Dallo, Goba and Dinsho, he was allegedly subjected to prolonged suspension, beatings and threats.

Urgent appeals and replies by the Government

128. On 17 February 1997, the Special Rapporteur made an urgent appeal on behalf of Mahmoud Ali Said, a farmer suspected of OLF involvement, who had allegedly been subjected to torture and had been denied medical treatment (see paragraph 125).

129. On 27 March 1997, the Special Rapporteur transmitted an urgent appeal on behalf of some 200 students of Addis Ababa University who were said to have been arrested at a peaceful demonstration on 21 March 1997. They were reportedly held at the Shogele Meda police barracks in Addis Ababa where at least some of them were reported to have been beaten. On 4 April 1997, the Government confirmed the arrest of some 200 Addis Ababa University students, who had tried to stage a demonstration without a permit in contravention of Proclamation No. 37/1991. The students had been released after submitting a formal apology. The Government denied allegations of ill-treatment.

130. On 7, 13 and 28 November 1997, the Special Rapporteur made three urgent appeals on behalf of a group of some 20 prominent members of the Oromo ethnic group in Addis Ababa, who had allegedly been arrested in the first half of November 1997. Among those arrested were reportedly Beyene Abdi, Beyene Belissa, Hussein Abdi, Haji Sahlu Kebte, Gabissa Lemessa and Tilahun Hirpasa, all board members of the Human Rights League, as well as Zewde Chamada, Adam Hassen, Adugna Fitee, Mohamed Wayu, Gadissa Boltossa, Addisu Beyene and Hailu Tarfassa Tasso. All were allegedly kept in incommunicado detention, accused of having links with the OLF and of involvement in bombings in Addis Ababa and other towns. Beyene Belissa, a disabled man, reportedly had his artificial limb smashed by the police during his arrest and was refused the use of his walking stick in prison. Some of them were said to be in poor health.

131. On 24 November 1997, the Government replied to the urgent appeals of 7 and 13 November 1997, confirming the arrest of Beyene Abdi, Beyene Belissa, Tilahun Hirpassa and Gabissa Lemessa. They had been arrested on the basis of an arrest warrant issued by the court because of their involvement in supporting terrorist activities. The Government considered fears of torture or ill-treatment unfounded and assured the Special Rapporteur that detainees

were accorded humane treatment and full respect for their person in accordance with the Ethiopian Constitution and other relevant laws. The four detainees had also been informed of the reasons for their arrest and their rights and their case was being processed in line with due process of law.

Information received from the Government with respect to a case included in last year's report

132. In its letter dated 29 January 1997, the Government replied to the urgent appeal dated 8 November 1996 which the Special Rapporteur had made in conjunction with the Special Rapporteur on extrajudicial, summary or arbitrary executions, on behalf of a large number of persons detained in Hararge province suspected of supporting the OLF, including detainees reportedly held in secret detention centres in Deder district and 14 persons who had allegedly been summarily killed in detention (see E/CN.4/1997/7/Add.1, para. 156).

133. The Government stated that one person had died in a conflict with the OLF. Regarding another person who had joined the OLF, it could not be ascertained whether he was dead or alive, but the Government stated that it had not taken any adverse action against that person. Another person was said to be in prison in connection with murder charges. One was pending arrest on a charge of murder. Another person had been arrested in connection with a murder investigation but had been released when found not to be implicated. The Government stated that he and two other persons mentioned in the urgent appeal were alive and leading a normal life. The Government further replied that the Regional Administration of Oromia had affirmed that there were no secret detention centres in Deder district, only one prison, one police station and one police substation in Kobo town. Some of the detainees there were members of the OLF, but they were detained on charges under the Ethiopian Penal Code and not for their political persuasion.

Georgia

134. In a letter of 5 February 1997, the Special Rapporteur transmitted to the Government the following cases.

135. Badri Zarandia (former commander of the town of Zugdidi), and Gurgen Malania, Gabriel Bendeliani, Karlo Jichonaia, Zviad Sherozia and Murtaz Gulua, all members of the National Guard loyal to the Parliament ousted in 1992, were reportedly convicted on 17 June 1996 on charges of murder, banditry and high treason following lengthy pre-trial detention during which they were allegedly tortured until they confessed to the charges. The torture is said to have included: beatings with rifle butts, sticks, truncheons and chair legs; beatings while hung by the feet, sometimes with a gas mask placed over the face, with the air supply turned off at intervals; beatings along the length of the body while tied to a pole placed between a table and a chair; kicking of the abdomen; needles inserted under the nails; pulling out of fingernails with pliers; threats made against the family; and having a grenade placed in the mouth while threats were made to remove the safety pin. In addition, the injuries received by Badri Zarandia during his arrest in October 1994 necessitated amputation of his leg following a reported lack of prompt medical attention.

136. Giorgi Korbesashvili was reportedly arrested on 27 June 1995, charged with attempting to blow up the Vakhusti bridge. At the police station he was allegedly beaten severely, including with truncheons and chairs and to the soles of the feet, and had his head smashed against the walls and against an iron safe. When the officers tried to get him to sit on a bottle, he attempted suicide by cutting the blood vessels in his right hand. The police allegedly continued to ill-treat him in hospital. He was transferred to an isolation cell in Tbilisi police department on 29 June, apparently against the advice of doctors, where he was allegedly subjected to further beatings, causing the sutures in his hand to tear and a bicep tendon to be torn. He was allegedly forced to sign a confession and on 7 July was taken to a temporary detention cell at the Ministry of Internal Affairs. He allegedly began a hunger strike, whereupon he was transferred to Tbilisi investigation detention cell where he reportedly again attempted suicide by cutting his left hand. After the hand was sutured, on 27 July, he tried to commit suicide once more by cutting his throat.

Germany

137. By letter dated 17 November 1997, the Special Rapporteur informed the Government that he had received allegations on the following cases.

138. Abdennour Medjden, a rejected Algerian asylum seeker, was allegedly subjected to ill-treatment by the Federal Border Protection Police on two occasions, when they failed to deport him to Algeria from Frankfurt am Main airport. The first time, in the beginning of 1996, he was allegedly punched in the face with leather gloves, insulted and threatened with more beatings. The second time, in June 1996, he was reportedly beaten with his hands and feet tied and had his head repeatedly hit against the floor until he lost consciousness. He was allegedly threatened with being beaten to death the next time. He was reportedly left without any legal or medical care for 10 days.

139. Sefer Avci, of Turkish origin, was reportedly ill-treated by plain-clothes police officers during an identity check in Frankfurt am Main on 13 May 1996. When he asked one of the officers to identify himself, he was allegedly pushed, kicked, had his arm twisted and was seriously hit before being handcuffed and arrested. A medical examination was said to have revealed multiple bruises and abrasions. A penal order for violently resisting a police identity check was reportedly withdrawn pending investigations into his complaint of police assault.

140. Sahhaydar and Hatice Yildiz, a couple of Turkish origin residing in Berlin, were reportedly assaulted at their home on 24 October 1996 by a dozen police officers. Sahhaydar was said to have been beaten with fists and batons and a gag was allegedly put over his mouth. He reportedly sustained a fractured nose, an injured thumb and bruises on the head and ribs. Hatice was allegedly thrown against a cupboard and dragged over the floor. She reportedly suffered a fractured nose, multiple bruising and shock. Their 13-year-old son was allegedly slapped on the head and had a gun held to the back of his head. The prosecuting authorities in Berlin reportedly opened an

investigation into the alleged ill-treatment of Sahhaydar and Hatice Yildiz. An investigation into allegations that Sahhaydar had resisted police authority was said to have been dropped.

141. Dr. Waldemar Kalita, a Polish medical doctor, was allegedly ill-treated by members of the Federal Border Protection Police on the evening of 15 December 1994, while waiting in his car at the border crossing near Guben. He was allegedly hit in the face and on the head until he fell out of the car, pushed against the ground, kicked in the stomach and had his hands handcuffed behind his back. Following a passport check, they reportedly took off his handcuffs and ordered him to leave. Medical examinations are said to have revealed bruises and swellings in his face, bruised ribs, abrasions to his wrists and an injury to his left eye. Investigations into the alleged ill-treatment were reportedly dropped in the beginning of 1997.

142. Ahmet Delibas, of Turkish origin, was allegedly arrested by police officers from the town of Hamm, North-Rhine/Westphalia, in October 1995, on suspicion of involvement in a fight. While sitting handcuffed in the police car, the police officers reportedly hit him several times in the face and one allegedly started strangling him with his hand. Medical examination at a hospital reportedly revealed a fractured left cheekbone, two fractures of the left eye-socket and two fractures of the right eye-socket, requiring two operations. Accusations that Ahmet Delibas resisted arrest have reportedly been withdrawn and the officers were said to have been charged with assault by negligence.

Greece

143. By letter 20 June 1997, the Special Rapporteur transmitted information concerning Mohamed Farhank Amin, an Iranian refugee living in Germany, and an Iranian friend, who were reportedly stopped in a park in Athens on 4 October 1996. Seven or eight police officers allegedly grabbed them by the hair, locked their arms around their backs and beat them on their face, legs and genitals. The beatings allegedly continued at Nea Smyrni police station. Mohamed Farhank Amin was reportedly hospitalized with a broken kneecap as a result. In a reply dated 5 November 1997, the Government informed the Special Rapporteur that Mohamed Farhank Amin was thought to have suffered his injury as a result of falling in the street when attempting to flee.

Guatemala

144. By letter of 26 May 1997 the Special Rapporteur referred to the cases of Lucina Cárdenas Ramírez and Otto Leonel Hernández, transmitted in July 1996 and regarding which the Government had indicated the same year that they were being investigated. The Special Rapporteur asked to be informed whether or not this investigation had been concluded and/or any progress had been made with the inquiries. In the same letter the Special Rapporteur transmitted the following cases to the Government.

145. Luis Alfredo Bonilla Juárez, aged 17, a street child, was reportedly detained on 18 March 1997 in Guatemala City by two uniformed police officers who asked for his identity papers. Not having them, he was reportedly put in the patrol car and beaten. A few minutes later the officers reportedly took

him from the vehicle, continuing to beat him in the street, and then left. The non-governmental organization Casa Alianza filed a complaint with the Office for Professional Responsibility of the National Police, which was said to have initiated an investigation.

146. Roca Eswin el Ruiz Zacarías, Edwin Tulio Enríquez García and Belarmino Gonzàlez de León, workers at the Mi Kwang S.A. factory in Cantón Najarito, Villa Nueva, Department of Guatemala, were reportedly detained on 13 March 1997 by a group of armed men dressed in civilian clothes who had gone to the factory. The detained persons were allegedly taken to the Villa Nueva police station and interrogated for about an hour and a half concerning an alleged theft at the factory a week earlier. One of them was reportedly hit with a rifle butt and the others kicked in the stomach. One of them is also said to have had a plastic bag put over his head. Before being released they were allegedly warned not to talk about what had happened.

147. Oscar Arturo González Ruiz, aged 34, working on a human rights project co-sponsored by the European Union, was reportedly detained in Quetzaltenango on 9 April 1996 by National Police officers who allegedly stopped him while he was driving his car and put him into a police vehicle. There he was shackled, kicked and beaten, and then driven from one police station to another. He was reportedly later taken to a hospital and kept there for three days because of his physical state and loss of blood. When he made his statement to the judge in hospital, moreover, he reportedly felt intimidated by the presence of two police officers who were watching him the whole time. He was later released.

Haiti

148. By letter of 9 June 1997, the Special Rapporteur transmitted to the Government information concerning the following cases.

149. Jean-Marie Alexandre, arrested in his home in Grande Rivière du Nord on 21 February 1996. He was allegedly subjected to beatings in the police station, said to have injured his right eye and left shoulder. He was held for three days, two of which he allegedly spent handcuffed, without receiving medical attention.

150. Jean Pierre Santilus, allegedly arrested on 19 March 1996 and taken to the Jacmel police station. For five consecutive days he was allegedly beaten on the chest, back and buttocks during interrogation sessions. A complaint filed with the local investigating judge did not result in any action against the police agents.

151. Renald Brutus, arrested by police agents on 10 June 1996 at Bainet, in the region of Jacmel. At the local police station he was allegedly kicked and beaten with a stick on the head, legs, buttocks, arms and back. In addition, one of the agents fired a gun next to Brutus's ear and left him tied to a tree in the sun for over an hour. When Renald Brutus's 60-year-old father, Pierre Brutus, went to visit his son at the police station he was also arrested. Four agents reportedly beat Pierre Brutus with a stick on the back and legs and then handcuffed him to a ladder, leaving him hanging for over

half an hour. Both were allegedly beaten and interrogated again the next day. The police allegedly put guns in the mouths of two other detainees and urged them to make statements implicating Renald Brutus in drug trafficking.

Honduras

152. By letter of 26 May 1997 the Special Rapporteur transmitted the following cases to the Government.

153. Fany Cerrato, a 16-year-old street child, was reportedly raped by a sergeant of the Public Security Force (FUSEP) on 21 March 1997 at the Mamchen police station in Tegucigalpa. When she was released some hours later Fany Cerrato went to Casa Alianza to report the incident.

154. Hiran Castellanos, a street child, was detained on 20 March 1997 by two plain-clothes municipal police officers in front of the cathedral in the central park of Tegucigalpa. The police officers accused him of having stolen a lady's chain and took him to the seventh command post for interrogation. Hiran Castellanos was reportedly beaten by Sergeant Matute and Lieutenant Mejía. On 24 March he was brought before the juvenile magistrate, who ordered his release for lack of evidence.

155. In respect of these two cases, the Government reported on 9 June 1997 that criminal proceedings had been brought against the director of the Comayagua jail as well as the guards involved in the acts of assault, against whom arrest warrants had already been served.

Information transmitted by the Government regarding cases included in previous reports

156. In the same letter the Special Rapporteur again referred to the cases, transmitted on 8 January 1996, of the juveniles José Ismael Ulloa Flores, Ebert Rolando Boquín Zarabia, Ramón Antonio Fernández Berillos, Edwin Zepeda, Juan Benito Hernández Berillos, Rafael Martínez, Osman Antonio Cáceres Muñoz and Arnoldo Roque Rodríguez, incarcerated in the Comayagua prison for adults. The Special Rapporteur requested information from the Government about the investigation initiated into abuses against these persons. On 6 August 1997 the Government reported that on 20 February 1997 a committal order had been issued against the director of the Comayagua jail and that the case was in the hands of the Supreme Court.

157. The Special Rapporteur also requested additional information about the case of Martha María Saire, transmitted to the Government on 11 July 1996. The Government replied that on 20 May 1997 the First Court of Appeal of the Department of Francisco Morazán had rendered a sentence of six years' rigorous imprisonment for rape against the two soldiers charged with the offence.

158. The Special Rapporteur again transmitted to the Government the cases of Andrés Portillo and José Danilo Arriaga Quintanilla, juveniles incarcerated in the San Pedro Sula prison. The Government's reply does not, however, refer to the complaints of ill-treatment which they had allegedly suffered.

Hungary

159. By letter of 20 June 1997, the Special Rapporteur advised the Government that he had received information concerning the alleged ill-treatment of István Nagy at the Eighth District Police Station in Budapest on 8 May 1996. He was allegedly beaten and kicked all over his body by six or seven officers, and was subsequently treated for three days for chest and spleen injuries and a ruptured eardrum. He reportedly filed a complaint about his treatment.

India

160. In a letter of 28 April 1997, the Special Rapporteur informed the Government that he had received allegations of torture as summarized in the cases below, the first six of which occurred in the Punjab region. On 15 September 1997, the Government replied with respect to two of the persons concerned.

161. Charanjit Singh, was reportedly arrested in Mahal village, Amritsar, on 27 February 1996 and allegedly interrogated under torture on 28 February, 1 March and 3 March at the police post in Kot Khalsa by officers of the Islamabad police station. The torture was said to include being hung upside down, receiving beatings to the soles of his feet and having his legs pulled apart while logs were rolled down his thighs.

162. Raman Kumar, aged 17, from the village of Ram Singh New, Bhadson, district of Patiala, was reportedly arrested on 6 July 1995 by senior members of the police, allegedly because his brothers were bringing legal proceedings against a local senior official. At the premises of Central Investigation Agency (CIA) Staff Nabha, he was allegedly hung from the ceiling with his hands tied behind his back, after which petrol was poured on him and he was told that he would be set alight. Then he was taken down from the ceiling, stripped naked and his legs were forced apart until the muscles began to tear and he fainted. In the following days, he was reportedly kicked and beaten repeatedly. When his brothers refused to drop charges against the above-mentioned official, Raman Kumar was allegedly taken to Basantpour police station, beaten and chained to a bed. A case file by him against the police is said to be pending in the High Court of Punjab and Haryana.

163. Man Bahadur (son of Dhan Bahadur), Kumb Bahadur and Rajesh (son of Ran Kumar) were reportedly arrested on 1 May 1996 and taken to CIA Staff, sector 20 and sector 26 Chandigarh and sector 34 police station. Man Bahadur was allegedly subjected to torture of the genitals by three named officials, involving electric shocks to his penis, and the slitting of his scrotum resulting in castration. His wrists and legs were also reportedly cut with a blade. The other two detainees were allegedly hung upside down from the ceiling and beaten with rifle butts, causing injuries to their chests and genitals. One of the officials also allegedly placed his shoe into the mouth of Rajesh and urinated down his throat. All three alleged victims were said to have made representations about their treatment to a named Sessions Judge at Burrail jail, but no action was reportedly taken. They are said to have subsequently filed proceedings before the High Court of Punjab and Haryana.

164. Gamdur Singh was reportedly detained on 14 November 1995 by the Punjab Railway Police, Sanfrur. He and another detainee, Baghel Singh of Safipur Kalan village, were allegedly interrogated under torture, including administration of electric shocks and being hung upside down while their faces were forced repeatedly into a pit of water. Gamdur Singh was also reportedly beaten on the head with a metal rod and kicked in the chest repeatedly, sustaining two broken ribs. He subsequently died from his injuries, which a post-mortem revealed to number 18, including bruising to the legs and chest, scars to the wrists, elbows, knees and heels and a contusion to the chest. The police reportedly maintained that he had died of a heart attack. No action was allegedly taken in spite of a complaint by his family.

165. Parakash Singh was reportedly detained in Nabha, district of Patiala, Punjab, on 6 April 1996, for suspected possession of narcotics. He and his wife, Nirmal Kaur, were reportedly brought to CIA premises where Parakash Singh, while naked, allegedly had wooden logs rolled up and down his thighs, while his legs were stretched wide, by four named officers. He was also allegedly hung upside down, hit with wooden sticks and punched until he fainted. Nirmal Kaur then also allegedly had rollers applied to her thighs, while naked, while hot water was poured onto her legs, and was in addition allegedly sexually assaulted. Following the reported recovery of opium by the police, Nirmal Kaur and her daughter, Maninder Kaur (aged 16), were summoned for further questioning on 7 May 1996 when Nirmal Kaur was allegedly stripped naked, slapped, punched and sexually assaulted in front of her daughter. On 9 May, Parakash Singh was reportedly made to walk publicly through the streets by police with his turban removed and his hands and ankles shackled, identified to the crowds as an opium smuggler. He has reportedly filed a petition with the High Court of Punjab and Haryana. In its reply of 15 September 1997, the Government denied that any torture had occurred.

166. Ikechukri Rivu, a Nigerian student at Khalsa College Chandigarh, and a companion were reportedly beaten with wooden sticks and iron bars in Mohali on 15 July 1996. At Phase VII police station Ikechukri Rivu was allegedly beaten with hockey sticks and a flat rubber whip, before being transferred to Phase I police station. There his treatment allegedly included being beaten while naked, being beaten with sticks while hung upside down with his hands tied behind his back, causing him to lose consciousness several times, being threatened with shooting while having a pistol placed into his mouth, being hit in the face with the pistol, and having his penis pulled for a substantial period. Prior to his appearance before the judicial magistrate on charges of drug trafficking, he was reportedly threatened with death should he request a medical examination. On 20 July 1996, a medical examination ordered by the High Court reportedly revealed swelling on the right hand and an inability to flex his fingers, scarring on the upper arm, bruising to the chest, pain and tenderness in the shoulder, scarring to the inner thighs, and pain in the region of the penis and testicles, making walking difficult. His lawyers have reportedly filed a petition in the High Court requesting an independent inquiry.

167. Bimal Kanti Chakma, Kripadhan Chakma (aged 66), Punyadhan Chakma, Purna Kumar Chakma and Sitesh Hajong were reportedly arrested by police at Mudhoimukh, Diyun, Changlang district, Arunachal Pradesh on 9 November 1996 following a meeting they had had with a parliamentary committee concerning a

threat of forced eviction made to them. At Dayun police station, they were allegedly beaten over the course of five hours. Before being released they were reportedly threatened with further torture should they take any action against the police or meet with any delegation in the future.

168. Shaz Naza, aged 7, was allegedly hit on the head with rifle butts by army troops in Ajar, Kupwara district, Jammu and Kashmir on 23 May 1996. In spite of medical treatment, she reportedly died of brain oedema on 24 May. She was one of a number of villagers who were said to have been beaten by soldiers in connection with elections. The Government replied that Shaz Naza fell down and was trampled when the arrival of militants caused the crowd to panic, as a result of which she suffered fatal head injuries.

Urgent appeals

169. On 5 February 1997, the Special Rapporteur transmitted an urgent appeal on behalf of Syed Zahoorul Haq, linked to the All Parties Hurriyat Conference, who was reportedly arrested by members of the Border Security Force (BSF) in Srinagar on 22 January 1997. He was said to be held incommunicado at the BSF camp at Karan Nagar in Srinagar without having been brought before a magistrate.

170. On 29 May 1997, and again on 25 July 1997, the Special Rapporteur transmitted urgent appeals on behalf of Rongthon Kunley Dorji, a 58-year-old Bhutanese national and Chairman of the United Front for Democracy in Bhutan, who was reportedly arrested on 18 April 1997 and was being held at Lampur Sewa Sadan detention centre following a request by the Government of Bhutan for his extradition. Rongthon Kunley Dorji was allegedly subjected to torture in Bhutan in May 1991 when arrested on politically motivated charges, and the Special Rapporteur reported fears that this would recur if he were forcibly returned to Bhutan.

171. On 25 November 1997, the Special Rapporteur made an urgent appeal on behalf of Riyaz Ahmad Gojri, Mahammad Ashraf Dar and Mushtaq Ahmad Khan, activists of the Jammu and Kashmir Liberation Front, reportedly arrested on 6 November 1997 by members of the Special Task Force (STF). They were said to be detained at STF headquarters in Srinagar, allegedly incommunicado.

Follow-up to previously transmitted communications

172. On 25 March 1996 the Special Rapporteur sent an urgent appeal on behalf of some 180 Bhutanese refugees who had been arrested in West Bengal on 19 March 1996, to which the Government replied on 11 April 1996 that apprehension as to their ill-treatment in custody was unwarranted. According to reports received on 4 December 1996 from the source of the original information, 15 of the detained refugees were allegedly beaten with lathis by jail guards at Jalpaiguri jail on 22 April 1996, with three of these persons suffering injury, while similar treatment was allegedly inflicted on 90 Bhutanese refugees detained at Berhampur central jail on 3 May, where at least 50 suffered injuries, 12 of them serious, and 2 persons were hospitalized. The beatings were said to have occurred when the detainees had tried to lodge a complaint about the alleged beating of two of them.

173. The source also reported a further incident involving Bhutanese refugees which it alleged to have occurred on 19 June 1996 when some 100 persons were allegedly beaten with lathis by about 30 officers of the West Bengal police during a funeral march at the bridge at Mahanda on the border between Jalpaiguri and Darjeeling districts. The following marchers reportedly had to be hospitalized as a result of the beatings: Ram Bahadur Rai, who was allegedly hit on the head; Gyanu Kumari Koirala, who suffered a dislocated shoulder; and Tek Bir Chhetri, Ram Bhandari and Chandra Bahadur Chuwan, who had suspected internal injuries and shock.

Indonesia

174. In a letter of 2 July 1997, the Special Rapporteur transmitted allegations on the following cases, to which the Government replied on 28 October 1997.

175. Amin Baharuddin, a university student in Jakarta, reportedly arrested on 4 June 1996, accused of wounding a policeman with a stone. He was allegedly beaten during his arrest and dragged for about 100 metres. He was allegedly further beaten and kicked in custody, as well as reportedly denied medical treatment until his lawyer intervened. The Government confirmed that he was forcibly arrested, but did not address the allegation of ill-treatment.

176. Hendrik Dikson Sirait, a student activist from Jakarta, reportedly arrested on 1 August 1996 during a peaceful demonstration. He was held incommunicado for five days in military custody at the Bakorstanas facility. He was allegedly interrogated under torture during two sessions, each lasting 15 hours. The torture was said to include burnings with cigarette butts on three occasions, administration of electric shocks to his hands and ears, and beatings. The Government confirmed the arrest, though on a different date, but denied the allegation of torture and other ill-treatment, and the incommunicado nature of the detention.

177. Sugianto, an Indonesian Democratic Party (PDI) member, reportedly arrested on 27 July 1996 and taken to Koramil Senen, where police officers allegedly beat him with fists, clubs and chairs, kicked him and stamped upon his hands. He was also allegedly immersed in a pond of Indonesian catfish (lele), where he suffered bites to his genitals. He was released on 14 August 1996. The Government confirmed that he was detained for questioning, but denied that he had been tortured or ill-treated while in custody.

178. Sugeng, reportedly arrested near Senen on 27 July 1996. He was taken to Jakarta Pusat police station, where police allegedly beat him with clubs on the back and legs, stapled his ears and knocked out three teeth until he confessed to a charge he denies. He was transferred to Jakarta metropolitan police headquarters on 1 August and, two weeks later, was unable to walk normally as a result of the alleged torture. The Government confirmed that he was detained for questioning, but denied that he had been tortured or ill-treated while in custody.

179. Mohammad Ali, Wisnu Agung, Hary Kurniawan, Eko Orastowo and Johanes Librayanto, students from different universities, reportedly

arrested during a demonstration at Gajah Mada University on 2 August 1997. They were taken to Yogyakarta police command and allegedly tortured into signing a confession that they were members of the People's Democratic Party (PRD). Upon their release they were seen to have sustained cuts and bruises on their faces, missing teeth and bloodstains on their clothes. The Government confirmed that they were detained for questioning, but denied that they had been tortured or ill-treated while in custody.

180. The Special Rapporteur also transmitted information on the following individual cases which reportedly occurred in East Timor.

181. Joao Antonio Gomes da Costa, the 17-year-old son of East Timorese leader Ma'Huno, allegedly beaten severely by 10 to 15 soldiers at his home in Los Palos during military operations on or about 30 March 1996. He was said to have sustained a number of fractures and head injuries and to have lapsed into a coma. The Government replied that an investigation was under way to establish the facts.

182. Agusto, reportedly arrested on 30 July 1996 at his home in Kaikasako by two members of District Military Headquarters (KODIM) from Liquica. He was allegedly beaten on the head with gun butts, then detained for five days at KODIM Liquica, where he was reportedly beaten and food withheld. He was subsequently transferred to the POLRES (police resort) in Liquica, where he was allegedly burned with cigarettes and matches and his feet were crushed under the legs of a table. The Government replied that a person by the name of Agustino Soares had indeed been arrested, but was later released due to lack of evidence. The allegations of torture and other ill-treatment were not addressed.

183. Inacio Nelson Guterres Amaral, Manecas Gomes and Luis Rangel, reportedly detained by soldiers, including two commanding officers, near the hamlet of Bui-Karin in Bahalara-Uain, Viqueque district on 12 August 1996. They were allegedly beaten with rifle butts, taken to military post number 17 in Bui-Karin and subsequently to the headquarters of Territorial Battalion 410 in Betice, where they were reportedly subjected to further ill-treatment. Luis Rangel was said to have suffered broken ribs and Inacio Nelson Guterres Amaral a broken arm. The Government confirmed the temporary detention of three persons named Nelson Jesus Amaral Gueterres, Manuel or Maneas Gomes and Lois Ranigel, but denied that they had been tortured or otherwise ill-treated.

184. Vasco Pinto, Antonio de Carvalho, Inacio Tilman, Afonso Cipriano, Kai-Rubik and another person also named Kai-Rubik, reportedly detained on 12 August 1996 by military personnel in Bui-Karin, Bahalara-Uain, Viqueque district. They were allegedly subjected to torture over the course of five days, said to include beatings on the back with sticks, punches, slaps in the face, mouth and stomach, beatings with gun butts all over the body and face, and burnings with cigarettes. The Government did not know of anyone named Afonso Cipriano, but confirmed the temporary detention of persons named Basco Pinto, Antonio da Costa, Inacio Felona, Kai-Rubik alias Armindo Maia and Kai-Rubik alias Mr. Butkevich, denying any allegations of torture or other ill-treatment.

185. Joao Pinto, reportedly interrogated by soldiers in Bui-Karin, Bahalara-Uain, Viqueque district on 16 and 17 August 1996. On 17 August, he was allegedly kicked four times and punched in the face by a vice-commander from Battalion 410 and beaten severely by soldiers, causing him to lose consciousness. The Government replied that it had no knowledge of this person.

186. Aliança Soares dos Santos (female), reportedly detained, along with seven members of her family, in Atabae, Bobonaro district on 5 December 1996. All of the family members were allegedly beaten and Aliança was allegedly tied up, threatened with a knife and taken to KORAMIL (Sub-District Military Command) in Ermera. She was allegedly subjected to torture, including rape by an Indonesian Armed Forces soldier, who threatened to kill her if she reported the rape. She was subsequently transferred to a Rajawali batallion camp at Luli Rema and allegedly twice raped by a sergeant. She was released on 16 December 1996. The Government confirmed that she had been temporarily arrested, though on a different date, but said that there was no evidence that she had been raped.

187. Mateus Gomes, a teacher in Loimea village in Atsabe, reportedly arrested on 25 December 1996 by members of the Rajawali battalion, accused of having provided food to guerrillas. At a military camp he was allegedly kicked, punched, beaten with a rifle butt and subjected to electric shocks. The Government replied that an investigation was still under way.

Information received from the Government with respect to cases mentioned in previous reports

188. Marsinah, a labour activist, was allegedly tortured and killed in Eastern Java in May 1993. In 1996 the Government had given information on proceedings taken in connection with the killing. The Special Rapporteur asked to be kept informed of the results and any developments in the investigations and court proceedings mentioned, including the identity of the officers charged and the nature of the charges brought against them. On 28 October 1997, the Government replied that the case against the officers had been closed due to lack of evidence, but that efforts were continuing to find the culprits and it was hoped that the case would be reopened in the near future.

189. Hendrique Belmiro da Costa was allegedly tortured by military officials in Dili, East Timor, in November 1994. In 1996 the Government had replied that he was in detention between 1984 and 1989, but had not been arrested since then. According to a communication from the source of the information on 2 May 1997, he was again arrested on 4 December 1994 and apparently questioned at the military intelligence centre, STI (Satuan Tugas Intelijen) in Dili. He was allegedly subjected to electric shocks through his handcuffs and severely beaten, resulting in a concussion and his requiring seven stitches to his head. A lawyer visiting him in police custody in April 1995 was said to have observed marks of his torture. A trial against him on charges related to armed rebellion allegedly began in August, but was reported to have been postponed because of his poor health, so that the sentence was finally passed in December 1995. The source of the information asserts that his trial and sentencing were covered in both the Indonesian and foreign

press. The Government, on 28 October 1997, did not deny the arrest and trial of Hendrique Belmiro da Costa, but replied that he was never subjected to torture, and that the source of the allegation was merely exploiting the fact of his very poor health.

190. Sebastiao Lelo Ati and Joao Beli were reportedly arrested and tortured by members of the Indonesian armed forces on 14 July 1996 in the village of Obulo, East Timor. On 28 October 1997, the Government replied that the two individuals could not be traced, and that the East Timor authorities had denied that any arrests were made in Obulo on the date mentioned.

191. Saturlina da Costa, from Bacau, was allegedly raped by two officers while in police custody in August 1994. In October 1994 her family submitted an appeal to the police asking for an inquiry. Although it is believed that two police officers were questioned in relation to the alleged incident, East Timor's police chief later denied the allegations. On 28 October 1997, the Government replied that an investigation had been conducted into the alleged rape which concluded that the officers were not guilty.

Urgent appeals sent and replies received

192. The Special Rapporteur transmitted the 14 urgent appeals which follow, 11 concerning East Timor, on the dates mentioned in brackets. The Government replied to 11 of the appeals.

193. Bimo Petrus, Hanni, and Ling, student political activists, were reportedly arrested by police in Rambutan, Jakarta on 6 March 1997. They were said to be held incommunicado in South Jakarta Police Resort (14 March 1997). In May 1997, the Government replied that the suspects had indeed been arrested, but that their rights were being respected, and that it would provide further information of developments if required.

194. Thirty-two named students were reportedly detained during political demonstrations in Yogyakarta, Central Java, on 1 and 2 April 1997. Some of them were reportedly initially taken to Sleman District Military Command Centre, but were then said to be held at police headquarters (8 April 1997). In September 1997, the Government replied that a thorough investigation had confirmed that the 32 students were temporarily detained, and released within 24 hours, during which time they were not subjected to any torture or ill-treatment.

195. Yulius Petege, Yahya Pigome and Ben Kotouki were among a larger group of members of the Ekari tribe reportedly arrested on 22 August 1997 in the context of clashes between local people and security forces in the Timika area of Irian Jaya. They were reportedly beaten, then taken away in buses to an unknown destination (1 September 1997).

196. The following urgent appeals concern, in particular, the territory of East Timor.

197. Eight persons from Buibau, in the Bacau district, were allegedly detained in November 1996 in connection with the killing of a military commander in the Indonesian armed forces. They were identified as:

Evaristo Ximenes, Aniceto Ximenes, Armindo do Rosario, Manuel, Quintino Imanuel de Cristo, Augusto, Marcelino and Cosme. At least some of the detainees were said to be held at a special army unit facility in Baucau (20 December 1996). The Government replied on 24 February that all of these persons were indeed in custody, and awaiting trial on criminal charges. It stated that the first five had admitted to direct involvement in the killing, while Augusto, Marcelino and Cosme were suspected of creating violent disturbances. None were being held at the cited facility in Baucau, as this place has never existed.

198. Baltasar SH Belo, Gregorio Sequira Bento (aged 16), Jose Maria Geronimo, João Budiono C. Moraes, Luis Afonso, Abel Fernandes, Bobby Xavier and Armando C. Soares were reportedly arrested between 26 and 30 December 1996 in the aftermath of violent incidents in Dili, East Timor, on 24 December 1996 (10 January 1997). On 14 February, the Government acknowledged the detention of four persons named Baltasar Hendiques Sebastiao, Gregorio Jeronimo Sequera Bento, Jose Maria Jeronimo and João Budiono da Costa Monis as a result of the violent events in Dili, and gave assurance that they were being treated humanely. The other four names were not known to the police.

199. About 109 persons, some of whom were named, were reportedly arrested in the Viqueque district of East Timor following disturbances between 7 and 11 February 1997, and were said to be held at the District Military Command post in Viqueque (17 February 1997). On 3 March, the Government replied that the police had exercised care during the incident, and that 105 of the persons arrested had already been released. The Government did not specify if those remaining in custody were among those named in the allegation, but gave assurances that they would in any case be treated humanely.

200. About 45 East Timorese youths were reportedly arrested in Dili on 23 March 1997, during a peaceful demonstration outside the hotel where the Special Representative of the Secretary-General was staying. According to the reports, there was a confrontation between demonstrators and security forces resulting in injuries (27 March 1997). In April 1997, the Government replied that the demonstration had been far from peaceful, and that the injuries had been largely self-inflicted by the demonstrators through their own actions. It confirmed that 45 persons had been detained, but said that some had since been released due to lack of evidence, and that their rights were being respected.

201. Felisberto Maria dos Santos, Domingos Larangguira, Jose Sobral and Marcelino de Fatima dos Santos were reportedly arrested on 30 March 1997 in Liquisa, East Timor, on suspicion of links with the armed opposition group Falintil, and their subsequent whereabouts were unknown (24 April 1997). The Government replied in an undated letter that these persons had never been arrested or detained, and were leading normal lives as free citizens.

202. Joaquim Moreira, David Dias Ximenes, Joao Anegela, Francisco Magno, and Jose Acacio were reportedly arrested, all but one of whom allegedly in Dili, East Timor, around 31 May 1997, in connection with an attack on Mobile Police Headquarters on 28 May. Joaquim Moreira was said to have been arrested on 17 May 1997 by officers from the Military Intelligence Unit (STI)

(3 June 1997). The Government confirmed on 15 July 1997 that David Dias Ximenes, Francisco Magno and Jose Acacio were arrested on 31 May 1997 on suspicion of involvement in the above-mentioned attack. It stated that they had admitted this involvement during questioning and were currently in the custody of the Dili police, where they were being treated humanely. No records were found attesting to the arrest of Joaquim Moreira and Jose Acacio during May or June 1997.

203. Joaquim Carvalho Araujo, Aleixo (aged 65), Marcos Exposto and Domingos Quintao were reportedly arrested on 9 June 1997 in Aileu district, East Timor, by soldiers from the Aileu District Military Command, allegedly in connection with recent attacks by Falintil. The detainees were reported to be held incommunicado at Command headquarters (16 June 1997). The Government replied on 15 July 1997 that no records had been found attesting either to the arrest or even the existence of the above-mentioned persons.

204. Virgilio dos Santos Pinto, Cancio da Costa and Gil Fernandes were reportedly arrested on or around 14 June 1997 by members of the Special Forces, Kopassus, during house-to-house searches in the village of Soru, near Los Palos, East Timor, and were said to be held in the Kopassus detention centre in Los Palos (20 June 1997). The Government replied in September 1997 that according to the East Timorese authorities, no arrests occurred on or around the stated date, and no traces have been found in Los Palos of the persons named.

205. Jose Antonio Belo and Guilherme dos Santos were among five persons reportedly arrested by military personnel on 25 June 1997 in Kaibada, near Baucau, East Timor, following a confrontation between the Indonesian Armed Forces and Falintil, and whose whereabouts were unknown (27 June 1997). In September 1997, the Government confirmed the arrest of these two persons and four others in the circumstances stated above. According to the Government, they were awaiting trial at the Baucau police station, and their rights were being fully respected.

206. Constancio dos Santos, Jojo dos Santos, Francisco Caldeira and Eduardo (possibly called Jose Ximenes) were believed to be detained in Dili, East Timor, as well as Joaquim Santana, Ivo Miranda, Domingos Natalino Coelho da Silva, Fernando Lebre and Nuno dos Santos, who were believed to be detained in Semarang. All were reportedly arrested in September 1997 on suspicion of possession of explosives. At least eight of them had reportedly been subjected to ill-treatment and torture, including electric shocks. Constancio dos Santos was said to have had two fingers severed (15 October 1997).

207. Antonio Viegas, Albino Barros, Natalina de Araujo and at least two unnamed others, all students, were reportedly shot and wounded in a confrontation with Indonesian police in Dili, East Timor, on 14 November 1997. Students were reported to have thrown stones at members of the security forces, prompting the police to start firing. One of the students, suffering from a life-threatening gunshot wound sustained during the firing, was said to have been forcibly removed from a vehicle of the International Committee of the Red Cross by police and severely beaten before being taken away. All five

were reportedly taken to the Wirahusada military hospital in Dili where they were believed to be in custody, and allegedly denied access to humanitarian and legal assistance (17 November 1997).

Iran (Islamic Republic of)

208. On 29 January 1997, the Special Rapporteur, in conjunction with the Special Representative on the situation of human rights in the Islamic Republic of Iran, transmitted an urgent appeal on behalf of Hojjatoleslam val Muslimin Sheikh Mohammad Amin Ghafoori, his wife, and Hojjatoleslam val Muslimin Sayed Hossein Fali, who were reportedly arrested in Qom around 14 January 1997 and whose whereabouts were unknown. Both of the men were said to be followers of the Grand Ayatollah Shirazi.

209. On 18 August 1997, the Special Rapporteur sent an urgent appeal on behalf of several hundred political prisoners in Shiraz, Isfahan, Ahwaz and Tehran, who had been on hunger strike since 7 June in protest against their conditions of detention. Six of them, namely Fataneh Alipoor, Kamran Yazdani, Hamidreza Dadashi, Mehrdad Vosooghi, Jafar Abbassi and Abdolreza Abedi, had already died.

210. On 10 October 1997, the Special Rapporteur, in conjunction with the Special Representative on the situation of human rights in the Islamic Republic of Iran, transmitted an urgent appeal on behalf of Mohammad Ali Ghasemi, from Tehran, whose sentence for conviction of illegitimate relationships with three women and illegal drug use reportedly included subjection to 170 lashes.

Israel

211. By letter dated 11 June 1997, the Special Rapporteur transmitted to the Government the cases summarized in the paragraphs below.

212. Musa Masharqeh, an asthma sufferer, was reportedly arrested on 7 March 1995 and detained in Ramallah prison. He was reportedly made to wear dark welders' glasses to disorient him; subjected to prolonged sleep deprivation; held in solitary confinement; subjected to shabeh (forced to remain in uncomfortable positions for long periods); exposed to cold temperatures; subjected to violent shaking several times; and threatened with death or rape of family members.

213. Daher Muhammad Salah Abu Mayaleh was reportedly arrested on 15 February 1996 and detained in Ashkelon prison. He was allegedly shaken violently, as a result of which he lost consciousness for five hours. After having been given some ammoniac to smell, he was reportedly further interrogated and tortured over the course of the next 30 days, including further violent shaking and sleep deprivation while seated on a low bench.

214. Bashar Tarabieh, a consultant for the United States-based organization Human Rights Watch and a United States resident, was reportedly arrested on 19 August 1996 and taken to Jalameh prison near Haifa. He was allegedly

hooded, tied to a chair with his hands and feet bound, forced to sit for hours in contorted positions and denied regular meals. During interrogation, he was reportedly questioned about his work for Human Rights Watch.

215. Azam Aarda was reportedly arrested on 16 October 1996 and detained at Jalameh/Qishon prison. He was allegedly forced to sit handcuffed and hooded in painful and contorted positions, subjected to prolonged sleep deprivation and beaten over the course of three weeks.

216. Iyad Abu Hamdieh was reportedly arrested on 3 April 1997 on suspicion of connections with Hamas and interrogated at Shikmah prison. He was allegedly forced to squat, despite suffering from rheumatism in his legs, kicked repeatedly in the legs, subjected to violent shaking, and held in shabeh next to a cold air conditioner.

217. Ayman Kafishah was reportedly detained in Shikmah prison on 5 April 1997. Several interrogators allegedly tortured him during his first 36 hours of detention. The forms of torture used were said to include: violent shaking; tightening the cuffs on his wrists thereby cutting off the blood flow; having his hands struck against a table; being forced to squat; being forced to sit in painful and contorted positions for prolonged periods; being forced to sit through the night next to an air conditioner; being deprived of sleep; being subjected to threats that his family members would be arrested and ill-treated; and being prevented from using the toilet.

Urgent appeals transmitted and replies received

218. The Special Rapporteur made urgent appeals, on the dates mentioned in brackets, on behalf of the following persons reportedly detained at al-Khiam detention centre in southern Lebanon: Ahmad Kamil Sa'id, a secondary school student from South Lebanon, reportedly arrested by the Israeli Defence Force on 2 June 1997 and held incommunicado (19 June 1997); Ghassan Ali Eisa, Huda Assad Alla Hamada, Khalil Karnaib, Suleiman Karnaib and Haydar Ali Eissa, allegedly arrested in the village of Maron al-Ross by the South Lebanon Army in July 1997; Huda Hamada, an epilepsy sufferer, was said to have been denied access to medication (22 August 1997); 'Abbas Muhammad 'Atiya, Muhammad Salim Qataih, Mustafa Jawad Tubeh and Qasem Lutfi 'Assaf, reportedly arrested on 2 October 1997 by Israeli forces searching the village of Arnum, South Lebanon (7 October 1997); Taysir Dabaja, Na'ima Faysel Jaber, Khaled Idris, Bisam 'Ali Hamdeh, Bilal Ibrahim al-Ashqar, Bilal Kayed Faraj, Mazen 'Abdallah, all students under the age of 16, and Zeinab Naser, reportedly arrested between 10 and 14 October 1997 by Israeli forces in their villages situated in Israel's "security zone" in southern Lebanon (16 October 1997).

219. Ali 'Abd al-Nabi 'Atiya, aged 17, reportedly arrested on 22 October 1997, Muhammad Hassan Hasshem, aged 52, Khalil Hassan Hashem, Akram Ba'Ibeki, Yahiya al-Asmar, Fahd Rimal, Yahiya 'Abbud, Baahiya Ba'Ibeki (female) and Usama Nur al-Din, all reportedly arrested between 22 and 26 November 1997 (2 December 1997); Almaza Ibrahim (female), Nadim Husayn Sa'b, and 'Atef Hassan Hashem, allegedly arrested on 26 and 28 November 1997 (4 December 1997). In the last two urgent appeals the Special Rapporteur also raised reports that visits from the International Committee of the Red Cross

or detainees' relatives had been prohibited at al-Khiam detention centre since 10 September 1997, heightening concern for the detainees' well-being.

220. By letters dated 23 September and 21 October 1997, the Government responded to the first three urgent appeals denying any responsibility for al-Khiam detention centre which, it stated, is controlled by the South Lebanon Army. It added that the centre had been visited by the International Committee of the Red Cross on a regular basis. The Government further stated that the presence of the Israeli Defence Forces in the zone is limited and restricted to specific and defined security objectives and could, as a consequence, not bear any other responsibility for the zone and matters happening within it.

221. On 21 November 1997, the Special Rapporteur made an urgent appeal on behalf of Ashraf Rafiq Salim Nasrallah, reportedly arrested on 1 November 1997 and detained at Shikma (Ashkelon) prison, where he had allegedly been tortured by General Security Service (GSS) interrogators. He was said to have been subject to shabeh, obliged to sit on a small chair 30 cm high with his hands and legs shackled and a sack over his head, and obliged to squat repeatedly in "frog" position. Loud music was reportedly played continuously. A petition filed with the Israeli High Court by his lawyer was reportedly withdrawn on the basis of assurances given by the Government that no physical force would be used. On 18 November, the authorities allegedly prohibited further visits from his lawyer, a decision which was upheld by the High Court. On 19 November, a new petition against the use of force by the GSS was reportedly submitted to the High Court.

Information received from the Government on cases appearing in previous reports

222. On 26 December 1996 the Government replied to the cases of Muhammad 'Abd al-'Aziz Hamdan and Khader Mubarak, who were allegedly subjected to physical pressure during interrogation said to have been allowed by Israeli Supreme Court rulings (see E/CN.4/1997/7/Add.1, paras 272 and 273). In its reply, to which the Supreme Court rulings were attached, the Government stated that the Court had not granted the General Security Service a general mandate to use physical pressure. In the case of Muhammad 'Abd al-'Aziz Hamdan, the Government referred in particular to the Court's statement that a clear suspicion of the possession of extremely vital information, the immediate disclosure of which would prevent a terrible disaster, would save human lives and would prevent the most serious terrorist attacks, justified the cancelling of the interim injunction prohibiting the use of physical pressure. This decision was, however, not tantamount to permission to use interrogation methods which were against the law, the Court stated. The Government further stated that the Court, with the agreement of the General Security Service, had issued another injunction prohibiting the use of physical pressure in the interrogation of Mr. Hamdan. In the case of Khader Mubarak, the Government referred in particular to the Court's statement that it had been assured that the handcuffing of the petitioner was not for the purpose of interrogation and that the hands of the interrogatee were not stretched behind him and that all steps were taken to ensure that, as much as possible, the handcuffs did not press or rub the wrists of the interrogatee, but that handcuffing as described

by the petitioner was prohibited. The Government further assured the Special Rapporteur that no detainee would be subject to torture at the hands of Israeli officials.

223. In December 1996, the Government also replied to the case of Fu'ad Shamasneh who had allegedly been hooded with a sack, deprived of sleep, kept in a painful position and whose arm had reportedly been dislocated while in detention (see E/CN.4/1997/7/Add.1, para. 269). In its reply, the Government stated that the Department for Investigations of the Police in the Ministry of Justice had investigated the complaints. On the basis of the results of the investigation, which included interviews with the interrogators, Mr. Shamasneh himself, and the examination of relevant detention records, the Government stated that there was no indication that Mr. Shamasneh suffered any injury and that the findings did not justify any steps against the interrogators.

224. In February 1997, the Government replied to the case of Muhannad Abu Rumi who was allegedly kept in incommunicado detention in the Moscobiyyah police detention centre in Jerusalem following his arrest in Hebron on 18 November 1996 (see E/CN.4/1997/7/Add.1, para. 274). In its reply, the Government confirmed his arrest which, it stated, had taken place on suspicion of involvement in terrorist activities of the Islamic Jihad. Regarding his access to legal counsel, the Government stated that his petition had been dismissed by the Supreme Court which was satisfied that the factual and legal circumstances of the case justified the postponement of Abu Rumi's meeting with his lawyer in the interests of the investigation. He was permitted to meet his lawyer after 11 December 1996. The Court had also noted the statement by the attorney for the General Security Services that his interrogation was carried out without the use of physical pressure. He was tried, convicted and sentenced by the military court of Hebron while being represented by counsel of his choice.

225. By letters dated 20 January and 21 February 1997 the Government responded to the case of Dr. George Kalim Nakd, who was reportedly arrested on 1 November 1996 by the South Lebanon Army and detained at al-Khiam detention centre in southern Lebanon (see E/CN.4/1997/7/Add.1, para. 271). In its reply, the Government stated that al-Khiam detention centre is controlled by the South Lebanese Army and that neither the Israeli army nor the Israeli General Security Service conduct investigations at al-Khiam, nor are they responsible for what occurs in the centre. It added that representatives of the International Committee of the Red Cross had visited al-Khiam and also noted the release of Mr. Nakd as of 23 January 1996.

Kenya

226. In a letter of 17 February 1997, the Special Rapporteur transmitted to the Government the following cases.

227. Suba Churchill Mechack, chairman of the non-registered Kenya Universities Student Organization (KUSO), reportedly arrested on 16 November 1995 on Egerton University premises, Nakuru district. Between the date of his arrest and 22 November 1995, he is said to have been moved about between a number of police stations and reportedly questioned under torture on

each occasion about alleged links with the February Eighteenth Resistance Army. The torture he is alleged to have suffered included having his knees hit with a hammer, having his fingers twisted with an open spanner, having his toenails pulled with pliers, and having a paper pin inserted into his thumbnail. A medical examination ordered by the Chief Magistrate's Court is said to have revealed that he had sustained injuries to his kidneys.

228. Jane Wanbui and Virginia Nyambura Wambui (aged 17), among four persons reportedly arrested in Kikuyu township on 17 December 1995 and allegedly tortured by police officers at Kiambu police station. Jane Wambui, who was five months' pregnant, miscarried after a senior officer allegedly kicked her repeatedly in the stomach. Virginia Nyambura Wambui was hospitalized after allegedly being whipped, kicked, beaten with sticks and having salt put into her vagina. Medical reports produced in court were said to have supported the allegations of torture. In July 1996 Kiambu Senior Resident Magistrate Margaret Wachira reportedly acquitted the four defendants on the grounds that they had been tortured.

229. Henry Mutua M'Aritho, reportedly arrested by administrative policemen in Nyambene district on 2 May 1996, died in custody three days later. During his detention he was allegedly whipped, slapped, kicked and beaten on at least three occasions and was also reported to have received burns to his legs.

230. Amodoi Achakar Anamilem, reportedly arrested in Lokichar, Turkana district, on 8 July 1996 after being mistaken for a robber. He was allegedly beaten in public, then beaten in a disused building and again at the Lokichar Administration police camp. The beatings were said to have included blows all over his body and beatings with a stick, gun butts and kicks. The police also allegedly attempted to strangle him with his own beads. He reportedly died before reaching the police station and, although his injuries were noted at the time, a subsequent autopsy could not establish the cause of death because the coolers in the mortuary had not been functioning. The results of an investigation ordered by the Attorney-General in August 1996 were unknown, though the officers alleged to be responsible reportedly remained on duty.

Urgent appeals

231. On 26 November 1997, the Special Rapporteur transmitted an urgent appeal on behalf of Patrick Wangamati, a Kenyan who had been a political refugee in Ghana for three years, and was reportedly arrested upon his arrival at Nairobi airport on 6 October 1997. Following a period at Buru Buru police station in Nairobi and interrogation at the Police Criminal Investigation department headquarters, he was allegedly being held in incommunicado detention at an undisclosed location.

Kuwait

232. On 8 April 1997, the Special Rapporteur transmitted an urgent appeal on behalf of Muhammad Mirza, 'Abd al-Jalil al Shuwaikh, Shaikh 'Abd al-Nabi al-Sitrawi, Rashed 'Abdullah Rashed, 'Adel al-Hayki, 'Ali al-Hayki, Hussain al-Hayki, Muhammad al-Hayki and 'Issa al-Hayki, who were among 11 Bahraini nationals reportedly detained in Kuwait City on 26 March 1997. They were said to be under threat of deportation to Bahrain where they might

be subjected to torture or other ill-treatment. The Government replied on 7 July 1997 that the persons in question remained in Kuwait and were being tried under Kuwaiti law.

Malaysia

233. On 3 July 1997, the Special Rapporteur transmitted an urgent appeal in connection with the reported arrest on 25 June 1997 of some 42 members of the Dayak Iban indigenous community from the state of Sarawak. They allegedly suffered injuries as a consequence of being beaten, kicked and assaulted with machine guns by police officers. On 31 October 1997, the Government confirmed the arrest of persons from the Iban tribe but denied that any serious injuries had resulted.

Maldives

234. On 3 February 1997, the Special Rapporteur sent an urgent appeal on behalf of Mohamed Shaheeb, who was reportedly arrested on 20 January 1997 and taken to Dhooinidhoo detention centre.

235. On 26 November 1997, the Special Rapporteur transmitted an urgent appeal on behalf of Ismail Saadiq who had reportedly been in detention in Dhoonidhoo prison or under house arrest in Male' for various periods since July 1996 when he was allegedly charged with business irregularities. He was initially reportedly subjected to solitary confinement, long periods of sleep deprivation and denial of adequate food and medicine. He was said to suffer from serious health problems for which he was allegedly allowed to receive only incomplete treatment, in spite of reported recommendations that he receive treatment abroad. On 4 August 1997 he was transferred to house arrest, apparently incommunicado.

Mauritania

236. On 29 January 1997, the Special Rapporteur sent an urgent appeal to the Government on behalf of Messoud Ould Boulkheir, a member of the Action for Change opposition party, Mohammed H. Ould Ismael, Secretary-General of the People's Progressive Alliance (APP), Abdallahi Ould Iyahi, a member of the APP, Hamoud Ould Abdi, a member of the Democratic Republican Party and El Kory Ould Hmeity, former Secretary-General of the Union of Workers of Mauritania, who were allegedly arrested during the night of 22 January 1997 at Nouakchott, accused of having had contacts of a political nature with the Libyan Arab Jamahiriya. It is said that they were taken to the Directorate-General of the National Security Service where they were questioned. Their families and lawyers were apparently denied any contact with them.

Mexico

237. The Special Rapporteur transmitted the urgent appeals summarized in the paragraphs below.

Urgent appeals and the Government's replies

238. Laurencio Guarneros Sandoval, Julio Bello Palacios, aged 16, Remigio Ayala Martínez, aged 18, and Carlos Ricardo Ruiz Canada, members of the Tepozteca Unity Committee, Morelos, were arrested on 11 January 1997 by judicial police officers in Yantepec, Teposztlán, Morelos. In the hours that followed at least two of them were allegedly threatened with death and subjected to ill-treatment, as attested by members of their families who visited them later in Cuernavaca prison (17 January 1997). On 20 March 1997, the Government reported that the Morelos Human Rights Commission had received a complaint with respect to the detention of the above-named persons, but that it did not contain any allegations of torture.

239. Jerónimo Hernández López and Gonzalo Rosas Morales, Jesuit priests of the San Cristóbal de las Casas diocese and leaders, respectively, of the Committee for the Defence of Indigenous Freedoms and of the Xi'nich indigenous organization, as well as community leaders Ramón Parcero, Fidel Vera, Carlos Cruz, Pascal Alvaro and Sebastián González. These seven persons were reportedly detained on 8 March 1997 in Palenque, Chiapas, by judicial police officers in connection with incidents the previous day during which two policemen had been killed. They were all reportedly held incommunicado for several hours, during which at least the first two persons mentioned were allegedly beaten (11 March 1997).

240. The Government reported that Jerónimo Hernández López, Gonzalo Rosas Morales and Ramón Parcero, as well as a community leader named Francisco González Gutiérrez, had been questioned on 8 March 1997 in connection with an investigation by the Attorney-General's Office of Chiapas. According to the latter Office, the statements they made at that time were taken in the presence of their lawyers, and at no time were they subjected to ill-treatment, held incommunicado, or otherwise deprived of legal guarantees. The accused lodged a complaint against members of the Attorney-General's Office on grounds of fabrication of evidence, illegal detention, ill-treatment and incommunicado detention.

241. Rufino Pablo Mendoza, Antonio Hernández de los Santos, Rufino Ramírez Vásquez and Víctor Feliciano de los Santos, members of the Mixtec indigenous community of Guadalupe Mano de León, Guerrero, reportedly associated with the Democratic Revolution Party (PRD), were detained on 16 February 1997 by members of the state judicial police, who allegedly beat them and then took them away in a police vehicle to an unknown destination. The previous day Sergio Martínez Santiago and Alfredo Rojas Santiago, indigenous members of the PRD, had been detained in the neighbouring community of La Soledad by a large group of police officers, who reportedly tortured them (appeal sent jointly with the Working Group on Enforced or Involuntary Disappearances on 12 March 1997). On 23 April 1997 and 10 June 1997, the Government reported that the National Human Rights Commission and the Human Rights Commission of Guerrero had opened an investigation on the disappearance of the four named persons and that their whereabouts were still unknown.

242. Members of the Public Security Police reportedly went to the San Pedro Nixtalucum community, municipality of San Juan El Bosque, Chiapas, on 14 March 1997 and detained several persons involved in a private dispute. As

they were leaving the town with the persons taken into custody, a group of residents reportedly tried to block the path of the jeeps, whereupon the security forces allegedly opened fire and killed four people. Six police officers were reported to have been wounded. On the same day the police officers allegedly returned to the community accompanied by soldiers and arrested 27 persons, who were reportedly later taken to Tuxtla Gutiérrez. Two of them were reportedly set free, whereas the others are said to have remained in detention (21 March 1997). On 8 September 1997 the Government reported that there had been no complaint about actions by public officials allegedly violating the rights of the persons detained, nor did the latter wish to make a complaint, as they had told staff of the Human Rights Commission of Chiapas.

243. Abundio Casarrubias Hernández, Wences Acevedo García and Pascal Rodríguez María, members of the DRP, were detained in May 1997 in the Montaña region of Guerrero. Other party members detained on the same dates in the Temalatzingo community, in the same region, and later released (José Santiago Carranza and Juan Leonor Bello) were allegedly tortured (6 June 1997). On 21 August 1997 the Government reported that staff of the National Human Rights Commission had interviewed and carried out medical examinations of the persons concerned. For its part, the Chiapas Attorney-General's Office had not received any information about the detention of these persons.

244. Fidel García Ramírez, agricultural secretary of the DRP in Guerrero, was reportedly detained on 15 June 1997 in the Xocoyolzintla community, municipality of Ahuacuotzingo, Guerrero, by members of the public security police, who reportedly handed him over to the army the same day. He was allegedly tortured to make him confess his links with the People's Revolutionary Army (20 June 1997). On 5 August 1997 the Government reported that the Chiapas Attorney-General's Office had not received any complaint about the alleged arbitrary detention and torture of this person. On 14 November it reported that the National Human Rights Commission had decided, after examining the evidence, that it had not been established that human rights violations had been committed by the officials concerned, and that the detention had been carried out in accordance with the law.

245. Inocencio Marcial Cruz, Justino Marcial Pérez (aged 7), Jorge Francisco Marcial, Wilfrido Francisco López, Ernestina Francisco Jiménez (aged 2), Cirilio Ramírez Marcial, Marcelo Marcial Martínez, Crisógono Juárez Martínez, Cándido Bailón Martínez, Luis Pérez Cruz, Ponciano Martínez Ramirez, Alberto Pérez Martínez, Alicia Pérez Martínez, Aureliano Gutiérrez Gutiérrez and Timoteo Martínez Bailón. These inhabitants of the San Lorenzo Texmelucan community, located in the south of the State of Oaxaca, were among those reportedly subjected to ill-treatment, including beatings, burns and threats, in the course of an operation carried out by members of the local police, the judicial police and the army on 24 June 1997 (4 July 1997). On 17 October 1997 the Government reported that police officers had gone to the locality mentioned in order to serve arrest warrants relating to the commission of various offences; however, some distance from the community a group of persons blocked the road, and the police unit therefore withdrew from the area. On receiving complaints about the actions of the judicial police officers, the Public Prosecutor's Office initiated an inquiry but received no

testimony about alleged ill-treatment. On 20 November, the Government further reported that the National Human Rights Commission had initiated an investigation into the matter.

246. Pedro Antonio José, Guillermo José Cruz, Sixto Santiago Antonio, Rafael José Miguel, Nicolás Santiago Antonio, Encarnación Antonio José, Ernesto Santiago Antonio and Juan Martínez Sosa. These persons, all of them municipal officials, were detained on 16 and 17 October 1997 by judicial police officers accompanied by two masked individuals in the town of San Juan Ñumi, State of Oaxaco. They were all reportedly held incommunicado (24 October 1997).

Information received from the Government with respect to cases included in previous reports

247. Manuel Aguirre Becerril, Abel and César Zamudio Trejo and Margarita Villafuerte were reportedly arrested and severely tortured on 21 January 1996 in Celaya, Guanajuato, by officers of the judicial police (transmitted 6 August 1996). On 23 April 1997, the Government replied that the Human Rights Commission of Guanajuato had found evidence of human rights violations and recommended that responsibility be attributed to the judicial police. The General Coordinator of the Guanajuato judicial police, however, did not accept this recommendation on the basis that the Commission's analysis of the case did not reveal a violation of human rights. He stated that Manuel Aguirre Becerril had indeed received some blows, but that they had resulted from the struggle and his attempt to flee at the time of arrest, and were not deliberately aggressive measures.

248. Gonzalo Sánchez Navarrete and five other persons were arrested by federal judicial police on 10 February 1995 in Cacalomacán, State of Mexico, and allegedly severely tortured. On 23 April 1997 the Government replied that the Attorney-General's Office had decided to apply no sanctions since it had not been possible to identify those responsible and the institution to which they belonged.

Myanmar

249. By letter dated 21 February 1997, the Special Rapporteur transmitted a number of cases of alleged torture or ill-treatment to one of which the Government replied, as summarized below.

250. Ana, a member of the Akha ethnic minority, was reportedly forcibly taken for portering work in February 1995, after some 800 soldiers entered his village in Tachilek township. After two weeks, he was allegedly beaten and kicked to death by soldiers, being unable to work as he was suffering from malaria.

251. Mi Aul, aged 15, and Mi She, aged 16, from the Akha ethnic minority, had reportedly been taken from a village in Mong Hsat by members of the tatmadaw to perform portering duties in April 1995 and were allegedly raped repeatedly for six nights. They were reportedly released after paying bribes. Subsequently, the girls allegedly stopped eating and sleeping, and both died.

252. In early April 1996, U Pa Pa Lay and U Lu Zaw were reportedly forced to work with iron bars shackled across their legs at a labour camp in Kachin State, leaving U Pa Pa Lay gravely ill.

253. The Special Rapporteur also transmitted information according to which a number of persons had allegedly been beaten by the police during student demonstrations in Yangon in December 1996. In this connection, he submitted three individual cases. U Myo Thant, a local reporter, and Shigefumi Takasuka, a Japanese reporter, both working for the Japanese newspaper Yomiuri Shimbun, were allegedly beaten repeatedly on the head with wooden clubs and truncheons by police during student demonstrations in Yangon in the beginning of December. Kampye, a Hindu onlooker during the student demonstrations on 7 December 1997, was allegedly beaten by police, including on the head with a stick. He was said to have died after being taken to hospital. By its letter dated 25 April 1997, the Government replied that this allegation was totally untrue, as there had been no single incident leading to bloodshed during the student demonstrations.

Urgent appeals transmitted and replies received

254. The Special Rapporteur transmitted two urgent appeals, on 27 June and 4 November 1997, in conjunction with the Special Rapporteur on the situation of human rights in Myanmar.

255. The first appeal was transmitted on behalf of two trade union members and their relatives as well as five members of the National League for Democracy (NLD). U Myo Aung Thant and U Khin Kyaw, both members of the executive committee of the Federation of Trade Unions-Burma, were reportedly arrested along with their families by officers of the National Intelligence Bureau on 13 June 1997. On the same day, the following NLD members were said also to have been arrested: Khin Maung Win (also known as Ko Sunny); Cho Aung Than; Daw Khin Ma Than; U Shwe Myint Aung and U Ohn Myint (over 80 years of age). On 24 July 1997, the Government responded that the seven above-named persons (correcting the names of Daw Khin Ma Than and U Shwe Myint Aung to Nge Ma Ma Than and U Swe Myint Aung respectively) had been found to be involved in terrorist activities. They had been planning bomb attacks on foreign embassies and residences of State leaders, the blowing up of transformers and the cutting of telephone lines, as well as the incitement of workers' unrest. Cho Aung Than had been involved in making appointments for foreigners to meet Daw Aung San Suu Kyi. Myo Aung Thant, Nge Ma Ma Than and Cho Aung Than also had secret contacts with foreigners to send financial aid to Daw Aung San Suu Kyi. Myo Aung Thant, Cho Aung Than, Khin Maung Win, U Ohn Myint and Nge Ma Ma Than had participated in producing and smuggling a film of Daw Aung San Suu Kyi in Kayin national dress for a charity show for refugees in Bangkok. The Government added that there was no ground for concerns that persons detained would face ill-treatment while in detention since torture and other cruel, inhuman or degrading treatment were prohibited by relevant laws and regulations in Myanmar and were scrupulously followed by the authorities concerned.

256. The second appeal was made on behalf of eight persons, seven of whom were said to be leading members of the NLD. They were reportedly arrested by security forces in the night of 28/29 October 1997 and taken to an unknown location following attempts to hold a meeting with Daw Aung San Suu Kyi at the NLD Mayangone township office on the outskirts of Yangon, which had been

prevented by security forces. Those said to have been arrested were identified as: Daw May Win Myint, Daw San San, Win Win Htay, Dr. Than Nyein, Khin Maung Myint, U Soe Myint, U Win Thaung, all NLD members, and U Mya Thaung, the landlord of the Mayangone NLD office.

Information received from the Government on cases appearing in previous reports

257. On 30 December 1996, the Government replied to the urgent appeal of 5 December 1996 on behalf of Zaw Win, Tin Hla, Kyaw Soe, Thi Thi Aung and Than Than Su Win, members of the Youth Wing of the NLD, who had reportedly been arrested on 3 December 1996 (E/CN.4/1997/7/Add.1, para. 342). The Government confirmed the arrest of the first four individuals on the basis of their involvement in the student protest march from suburban Hledan Kamayut township to downtown Yangon on 2 December 1996. Than Than Su Win had never been arrested or detained. The Government further stated that persons in custody were not subjected to torture or ill-treatment as such practices were strictly prohibited in Myanmar.

258. By its letter of 25 April 1997, the Government transmitted information on the cases mentioned in the following paragraphs.

259. Saw Ther Toe, reportedly arrested in December 1993 by soldiers said to have stabbed him, burnt his eyes out and dragged him through the streets before executing him in January 1994 (E/CN.4/1996/35/Add.1, para. 460). The Government stated that Saw Ther Toe had participated in the activities of the armed terrorist group the Kayin National Union (KNU) by carrying ammunition and rations for their troops and collecting protection money from villagers. He had been captured together with 10 other KNU members on 22 November 1993. The Government did not address his alleged torture.

260. Khing Kyarn, Ai Lar, Sarng Kham Luam and several others, allegedly subjected to torture during a raid by soldiers on their villages in northern Shan state in mid-January 1994 (E/CN.4/1996/35/Add.1, para. 461). The Government stated that no such incidents had ever occurred.

261. Sarng Swe, Sai Aung Maung and others, reported to have been tortured by troops of the 240th and the 22nd Infantry Regiments (E/CN.4/1996/35/Add.1, paras. 462, 467), and the alleged torture of Naw Psaw Po, Naw Hser Chit and Po Li Kee (E/CN.4/1996/35/Add.1, para. 463). The Government stated that the allegations were not true.

262. Equally untrue were allegations of torture of Maung Chit, Maung Shwe Lher, Saw Thay Ler, Saw Per Klas and Por Ker Ra (E/CN.4/1996/35/Add.1, para. 464). Only Maung Chit had been identified as a resident of Shwe Kyi village, where no military movements had taken place at the time of the allegations, according to the Government.

263. Sai Be, Maung Paloke and Daw Mu Larong from the villages of Ma Khae and upper Karen Tike, reportedly subjected to torture by soldiers in early 1994, said to have led to the death of two of them (E/CN.4/1996/35/Add.1, para. 465). The Government replied that neither Ma Khane village nor Upper Kaying Taik village existed in Hpekon township or adjoining areas and that no such incidents had occurred.

264. Sai Sarng, Lung Khin and Sarn Pya, allegedly tortured to death by soldiers in 1994 (E/CN.4/1996/35/Add.1, para. 466). The Government denied that any of them had died as a result of torture. Sai Sarng had in fact never been arrested. Lung King had been called by the authorities in view of his failure to report on the movements of the armed drug-trafficking terrorist group Murng Tai Army (MTA) in Worn Fai Lim village. He was in very poor health and had passed away while staying in the camp. Sarn Pya, who was mentally disturbed, had collapsed and died of exhaustion on 18 April 1994, while running away when troops of the 425th Infantry Regiment had entered the village of Worn Fai Lin to search for terrorists. He was suffering from malaria at the time of his death.

265. Saw Pa Aye, Saw Potha Dah, Deepa Leh and his son, allegedly tortured by the military in 1994 (E/CN.4/1996/35/Add.1, paras. 468-469). The Government responded that the allegations were not true.

266. Naw K'ser Paw and Naw Ta Blu Htoo, two women allegedly detained and tortured at Tham Bo camp (E/CN.4/1996/35/Add.1, para. 470), had not been found on the list of detainees at Than Bo police station. The Government further stated that the camp had been temporarily established to accommodate captured members of armed groups and their sympathizers, but was no longer in existence.

267. The name of Sai Lone, from Tachilek, who had reportedly been arrested and tortured by soldiers in 1993 on accusation of membership of the Murng Tai Army (E/CN.4/1996/35/Add.1, para. 471), equally did not appear on the list of persons arrested by the 359th Infantry Regiment. According to the records, only one person called Sai Lone had appeared before court during 1993-1994. He had been sentenced to three months' imprisonment on 14 January 1994 for illegal possession of a dagger.

Namibia

268. On 1 September 1997, the Special Rapporteur made an urgent appeal on behalf of Deogratias Mugisa, a Ugandan national residing with his family in Namibia, whose request for asylum had reportedly been rejected. Deogratias Mugisa, a member of the Ugandan intelligence services, had allegedly been arrested by the Ugandan army on 10 June 1995 accused of collaboration with the armed opposition. During his arrest, he was said to have been severely beaten and his wife was allegedly raped. In detention he was reportedly subjected to electric shocks, suspension upside down and food deprivation. He was reported to have fled around mid-1996 with his family to Namibia. Fears were expressed that, if deported, he might be detained and again subjected to torture upon his return to Uganda.

Nepal

269. In a letter of 20 June 1997, the Special Rapporteur transmitted allegations concerning the following cases.

270. Lal Singh Adhikari, from Magma Village Development Committee (VDC), Rukum district, was reportedly detained in February 1996 at Musikot police station on suspicion of involvement in an attack on a police post. Over the course of three days, he allegedly had rollers repeatedly applied to his legs, so as to coerce him into admitting involvement.

271. Khal Kumari Khatri Chhetri, aged 14, Thirta Khatri Chhetri, aged 17, and Deosari Chhetri, aged 18, were reportedly ordered to strip naked, then raped by police officers following an attack by the police on a suspected SJM house at Leka village, Pipal VDC, Rukum district on 27 February 1996.

272. Laxmi Prasad Sharma, a member of the Samyukda Jana Morch (SJM) party from Khalanga VDC, Jajarkot district, was reportedly arrested on 12 March 1996 and taken to the district police officer in Khalanga, where he was allegedly beaten with sticks on the thighs, the soles of the feet and other parts of the body. He was subsequently transferred to Jajarkot prison, where he was reportedly moved to solitary confinement in January 1997.

273. Meen Raj Lamsal, reportedly arrested on 13 March 1996 at Bijauri, Dang district, was allegedly subjected to torture, including having his anus burned with a lighted candle.

274. Ganga Shrestha, among nine students reportedly arrested while attending an event sponsored by the SJM-affiliated All Nepal National Free Students Union (Revolutionary), at Amale, Sindhuli district, on 6 May 1996. During interrogation by police officers, he was reportedly shown sticks, razor blades and pins. The officials then allegedly beat him all over the body with sticks, as a result of which he was said to have suffered a broken finger and serious bruising to his right eye, resulting in impaired vision. When reportedly produced before the district court seven days later, the court ordered a medical examination, but it was reported that no action had been taken against the officers responsible for his ill-treatment.

275. Thara Bhadur Thapa, from Kapilakot VDC, Sindhuli district, reportedly arrested on 24 May 1996 by police from Mahendra Jashadi police post, on the border with Kabrepalanchok district. He was allegedly struck with a rifle butt, resulting in a fracture to his left leg below the knee. The police reportedly denied him medical treatment for seven days.

276. Bhanu Pratap Singh Chaudhary, from Hallawar VDC, Dang district, was among a number of farmers reportedly called to the Khadre temporary police post on 29 August 1996, following a fight with supporters of the Nepali Congress Party. When Bhanu Pratap Singh Chaudhary and others refused to sign a document relating to a settlement of the dispute, they were allegedly beaten with batons and kicked. Bhanu Pratap Singh Chaudhary had to be taken to Tulsipur health post, where he died on 31 August, allegedly as a result of his ill-treatment.

277. Mohammad Rafi Khan, Ram Samajh Gadaria, Jamal Khan, Mohammed Hussein, all from Banke district, were reportedly taken into custody at the Kamdi forest office in Kohalpur on 22 February 1997, accused of stealing timber. All four were allegedly tortured by means of electric shocks. Mohammad Rafi Khan and Ram Samajh were also allegedly subjected to falanga and had to be admitted to hospital.

278. Binod Rai, a board member of the Nepal Blind Association, was reportedly arrested along with 28 other persons during a demonstration on behalf of disabled persons held in Kathmandu on 17 July 1996. The detainees were reportedly taken to Mahendra police club, where police allegedly destroyed the

walking sticks of the blind persons. When Binod Rai protested this action, he was allegedly physically abused for over two hours, including being kicked in the chest, beaten with a cane on the thighs and threatened with death. He was then reportedly forced to sign a document which was not read to him.

Information received from the Government on cases transmitted in 1996

279. On 27 March 1997, the Government replied to allegations transmitted in September 1996 of torture or ill-treatment of persons arrested in police operations against Maoist political activities, in particular Jaggu Prasad Subedi, Imam Singh Rokha, Shivaprasad Sharma, Dambar Bahadur Rokayat, Ganga Ram Budhotoki, Bishnu Maya and her two daughters, Umakanta Sharma, Karna Bahadur Budhathoki, Tilbir Budhathokiwas, Phanindra Ghimere, Padam Oli, and Jhim Bahadur Chand. The Government informed the Special Rapporteur that 16 arrests were made after disturbances in Rolpa district, and stated that a court order had been issued allowing the release of five persons, including Jaggu Prasad Subedi, though none of the other persons named in the allegation, but that they remained in detention as they had not yet submitted the necessary bail. The Government further stated that 10 unspecified persons had been ordered by the court to remain in detention. The allegations of torture were denied.

Niger

280. In a letter dated 30 June 1997, the Special Rapporteur transmitted to the Government reports stating that on 11 July 1996 opposition sympathizers preparing to mount a peaceful demonstration had been attacked by a police patrol using tear-gas grenades. One of them, Ibrahim Maman, had been bludgeoned on the head and elsewhere by several National Security Company (CNS) police, and had needed stitches. Some 40 demonstrators had been rounded up and deported to the military camp at Ekrafane, 300 km north of Niamey, where they were said to have been subjected to protracted beatings over the course of a week and had had their heads shaved. Massaoudu Hassoumi, arrested on 13 July and taken to Ekrafane, was said to have been led, blindfolded, in front of a firing squad several times; the order had then been given to fire into the air to frighten him.

281. The Special Rapporteur also transmitted information on the following cases.

282. Elhadj Oumarou Oubandawaki, a militant member of the Front for the Restoration and Defence of Democracy, was arrested in Niamey on 3 February 1997 by six police officers. He was allegedly beaten up on the outskirts of Niamey then abandoned there. The doctors who treated him observed an injury to his skull, missing teeth, a swollen face and a broken arm. Oubandawaki was also said to have been beaten up at a judicial police station in January 1997 after being arrested for criticizing the Government over the radio.

283. Souley Adji, a lecturer at the University of Niamey, was abducted during the night of 9-10 April 1997 by four men, one in military uniform, and taken

some kilometres from Niamey. There he was stripped and beaten into unconsciousness. Some days before he had published an article criticizing the Government in a newspaper.

Nigeria

284. The Special Rapporteur transmitted to the Government the urgent appeals summarized in the paragraphs below. The date on which each appeal was sent appears in brackets at the end of the summary.

285. Godwin Agbroko, editor of The Week news magazine, was reportedly arrested in Lagos on 18 December 1996 by officers of the State Security Service, allegedly in connection with an article on a dispute between senior military officers. He was said to have been transferred to Abuja, where he was reportedly held incommunicado (9 January 1997).

286. Chief Olu Falae, a member of the National Democratic Coalition (NADECO), former Secretary to the Federal Government and Minister of Finance, was reportedly arrested in Akure on 9 January 1997 in connection with bomb attacks in Lagos and transferred to the offices of the Federal Intelligence and Investigations Bureau (15 January 1997). On 28 March 1997, the Government forwarded excerpts from an interview with the wife of Chief Olu Falae in the Nigerian newspaper The Guardian of 2 February 1997. She was reported to have visited her husband in prison and to have confirmed that his health was satisfactory. The Government assured the Special Rapporteur that there was no cause to treat Godwin Agboroko (see above) differently.

287. Five persons were reportedly arrested in December 1996 and January 1997, allegedly because they were related to or associated with retired Lieutenant-General Alani Akinrinade, an exiled member of NADECO accused of responsibility for bombings in 1996. They were identified as: Gbenga Adebusuyi (allegedly hung up by the feet and kicked in the head at the Directorate of Military Intelligence headquarters in Apapa, Lagos), Femi and Bankiole Akinrinade, Philip Arogheo, and Peter Ogunyamoju. The detainees may have been detained under State Security Decree No. 2 of 1984, allowing for the indefinite, incommunicado detention without charge or trial of persons deemed to have threatened the security of the State (5 February 1997).

288. Chief Olabiyi Durojaiye, a 63-year-old founding member of NADECO, had reportedly been arrested on 3 December 1996 in Lagos. The Special Rapporteur had already made an urgent appeal on his behalf on 13 December 1996 (see E/CN.4/1997/7/Add.1, para. 351). According to additional information received, Chief Olabiyi Durojaiye had remained in incommunicado detention without being charged since his arrest. Repeated orders from the Federal High Court to produce him before a court were reportedly ignored. His family was allegedly not allowed to deliver medicine, food or clothes (10 June 1997. Appeal sent in conjunction with the Chairman of the Working Group on Arbitrary Detention).

289. A number of journalists at the African Concord magazine, PM News newspaper, The News magazine, The News group and Tell Magazine were reportedly in detention without charge or trial. They were said to include Mohammed Adamu and Soji Omotunde, reportedly incommunicado since July and October 1997,

respectively, Adetokunbo Fakeye, Jenkins Alumona, Onome Osifo-Whiskey, Babafemi Ojudu, Ben Adaji, Rafiu Salau and Akinwumi Adesokan, all allegedly arrested in a wave of arrests in November 1997. Particular medical concern was expressed for Soji Omotunde (21 November and 1 December 1997. Both appeals sent in conjunction with the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression).

290. Ogaga Ifowodo, a member of the Civil Liberties Organization, was reportedly held incommunicado in State Security Services offices in Ikoyi, Lagos, since his return from the United Kingdom on 6 November 1997. He was alleged to have been detained in connection with his visit to the United Kingdom coinciding with pro-democracy protests during the Commonwealth Heads of Government Meeting in October (27 November 1997).

Pakistan

291. By letter dated 17 November 1997, the Special Rapporteur transmitted to the Government information on the cases summarized in the paragraphs below.

292. Javed Masih, a Christian, was reportedly arrested by the police on 2 August 1995 in Hyderabad on the accusation of theft. Outside his house, the police were said to have started beating him and hitting his head against a wall until he lost consciousness. At the police station he was reportedly subjected to electric shocks and had bottles filled with red chillies and kerosine inserted into his anus. He was believed to have died as a result of torture on 4 August 1995. His body was reportedly swollen, showing multiple injuries, and his teeth broken. The police were said to have hung him by the neck, pretending suicide, following which they took him to a hospital where they allegedly tried to bribe an officer to admit the body. The family registered a complaint against four police officers, claiming murder, but all suspects were reported to have been released on bail. In September 1996, the family reportedly pardoned the accused, but it has been alleged that they were pressured by the suspects. The police officers have reportedly been acquitted and resumed their work.

293. Mohammad Farooq, a member of the Mohajir Quami Movement (MQM), was allegedly arrested by plain-clothes personnel of the Crime Investigation Agency on 4 September 1996 in Karachi and taken to an unknown location. There, he is said to have been subjected to torture with an electric drill and burning cigarette butts. His limbs were reportedly badly damaged. On 5 September, he was reportedly taken to Jalalabad, forced to run and shot. His death was attributed to an "encounter" with the police.

294. Karim Mai, a 55-year-old man, was reportedly stripped on 1 October 1996 by agents of a local landlord in Mir Hazar Tehsil Jatoi, Muzaffargarh district, North West Frontier Province, on the suspicion that his son had an illicit relationship with the daughter of the landlord. Karim Mai was reportedly made to run naked in front of the landlord's car and to sit on the bonnet of the car through the village. Male relatives were further reported to have been beaten up by friends of the landlord, allegedly resulting in the death of Nazir Ahmed. Local police witnessing the incident allegedly did not intervene and refused to register a complaint. Following a decision by the

provincial high court, criminal charges were, however, said to have been registered against 16 persons, but none of the accused were known to have been arrested.

295. Khalil, a sympathizer of the Revolutionary Association of Women of Afghanistan (RAWA), was reportedly arrested by men believed to be connected with the police after a peaceful RAWA demonstration in Islamabad on 28 April 1997. He was allegedly arrested together with another adult and three children aged between 12 and 14, all said to be RAWA sympathizers. Khalil was reportedly blindfolded and with tied hands taken to an unknown location where he was severely beaten for four hours and warned to stop criticizing the Taliban. He was further said to have been asked to reveal the whereabouts, addresses and telephone numbers of RAWA leaders. He was reportedly dumped in a wood near Islamabad.

296. Mohammed Yaman, a local mosque employee, and Fahimullah, a 14-year-old student, were reportedly subjected to, respectively, 75 and 32 lashes for alleged homosexual acts in a public toilet in Bara Bazar. Their punishment is said to have taken place on 17 May 1997 in front of a large crowd in a compound in Bara Bazar in the North West Frontier Province. It has been reported that their sentences were handed down by elders of the Afridi tribe, including a leading official of the political party Tanzeem Ittehad-e-Ulema-e-Qabail.

297. By the same letter, the Special Rapporteur transmitted additional information on the following case which he had previously submitted on 9 June 1993 and on which no response had been received.

298. Mohammad Yusuf Jakhrani, a founding member of the political opposition party Sindh National Alliance, was said to have died on 12 June 1992 while in military custody in Pano Aqil, Jacobadad district in Sindh, allegedly as a result of torture. His body was said to have been covered with injuries, the neck broken, the back roasted, one arm fractured, and cigarette burns on his genitals. The authorities were said to have confirmed his death in military custody. Following the initial refusal of the police to register an official complaint, the High Court reportedly directed the police to register the First Information Report. As no investigation was said to have been carried out, the family filed a petition in the High Court, allegedly, without results.

Urgent appeals

299. On 8 July 1997, the Special Rapporteur made an urgent appeal on behalf of Humayun Far, a journalist, who was allegedly arrested on 28 June 1997 in Islamabad. Two days after his arrest, the Interior Minister reportedly stated that he was in the custody of an unidentified government agency for providing classified documents to a neighbouring country. The High Court of Punjab was said to have ordered his appearance in court on 5 July, but the Government reportedly failed to bring him before court that day.

Peru

300. By letter of 26 May 1997 the Special Rapporteur transmitted the following cases, concerning some of which replies were received from the Government.

301. A group of approximately 80 persons was detained in the hamlet of Challhuayacu, La Pólvora district, Province of Tocache, Department of San Martín, on 29 August 1995 and moved to the Tocache district. There they were allegedly subjected to treatment such as being hit on the back and beaten with wooden sticks, a thin strip of wood and a leather club packed with sand. The Government reported that, according to the provincial prosecutor, Leónidas Correa Benites, José Pascual Castillo Aguilar, Alejandrina Vega Veramendi and Arnaldo Trujillo Melgarejo were detained and questioned by the Tocache specialized police unit. The medical examinations performed subsequently indicated that all of them were clinically healthy.

302. Mario Jesús Palomino García was detained on 23 March 1996 by officers of the Breña district police station, Lima, apparently because he was not carrying his identity papers with him. While he was being taken to the police station he is said to have been severely beaten. He was later taken to hospital, where he was reported dead on arrival. According to the source, the first autopsy gave the cause of death as "pancreatitis". Under pressure from the family a second autopsy was carried out, and this gave the cause as "cerebral and pulmonary oedema". The Government reported that the case against the alleged perpetrators was being dealt with by Lima provincial criminal court No. 14 and that in addition, as a disciplinary measure, they had been relieved of their duties.

303. Pedro Manuel Ruiz Brock was detained in the "Petro Perú" neighbourhood of Pucallpa, Ucayali, on 11 April 1996 by police officers in a state of intoxication. It is reported that he was beaten repeatedly at the police station and that the police officers tried to abuse him sexually.

304. Porfirio Carmen Pérez, 18 years of age, residing in Aguaytia, Pucallpa, Department of Ucayali, was arrested on a charge of theft. On 1 and 2 May 1996 he was allegedly tortured by members of the local police by applying discharges to the head with an electric rod, causing serious burns. The police officers then reportedly picked up a tyre lever and hit him with it on the same part of the head where he had suffered the burns. They are also said to have applied electric shocks in the mouth while his head was being held under water. He was eventually released.

305. Alfonso Flores Otiniano was detained on 9 May 1996 by three soldiers in Pataz, Department of La Libertad, for not having his identity papers with him. He was taken to the Huaylillas military base, where the soldiers reportedly beat him with their fists and blunt objects, causing injuries to the head. On 18 September 1996 the Minister of Defence issued a note stating that he had imposed disciplinary sanctions and taken action before the standing military court of judicial district No. 1 against the soldiers involved. He also reported having reached an agreement with the family. The sources have not, however, been able to confirm this information.

306. An indeterminate number of persons, among them Juana Ibarra Aguirre, were reportedly detained and subjected to torture in late August 1996 at the Monzón military base, Alto Huallaga, in the course of a military operation carried out after the killing of a soldier, apparently by members of his own unit, and the search for his weapon. Juana Ibarra was reportedly subjected, inter alia, to beatings, cigarette burns and rape, and allegedly had her nipples torn off with pliers and water with detergent and salt forced up her nose. Her five-year-old daughter is also said to have been tortured, as well as the following residents of the town of Huancarumi bearing the name Aguirre: Adrián Aguirre Garay, Shover Aguirre Garay, his wife Hilva Herrera Bazán, four-year-old son Kevin Aguirre Herrera, sister-in-law Hilda Rojas Caballero and her three young children. The soldiers later took Juana Ibarra to the town of Manaully with the aim of arresting Jorge Chávez, allegedly involved in the loss of the weapon. The latter was detained and taken to the Monzón base, where he was also reportedly tortured, and was apparently killed.

307. Nicolás Carrión Escobedo was detained by army personnel on 23 August 1996 in the locality of Uruspampa, Sánchez Carrión province, La Libertad, and transferred to the Sarín base. His dead body was discovered a few hours later. The autopsy reportedly showed that he had received heavy blows to the head and other parts of the body.

308. Oscar Yataco Barrientos was detained on 12 September 1996 in Lima by personnel of the National Criminal Investigation Directorate (DININCRI) of the national police. Accused of murder and child rape, he was reportedly threatened with death and tortured. An electric current was allegedly applied to his head once it had been wet and an attempt to throw him from an eighth-floor window was reportedly simulated. In addition, he is said to have been beaten after his body was covered with a wet cloth in order not to leave traces.

309. In the night of 9 October 1996, military personnel from the Pichari and Tambo bases entered the community of Chalhuamayo Alto, Tambo district, La Mar province, Department of Ayacucho, and detained eight persons - Damián Llance Huachaca, Fidel Palomino Vega, Máximo Huicho Huachaca, Alejandro Quispe Huayhua, Ercilia Luchca Taype, Cirila Taype Huaracca, María Morán Huayta and Sofía Morales Yaguillo. They were all taken to the Tambo military base and then to the Pichari base, where they were allegedly tortured and threatened in order to obtain information about their suspected subversive activities. Similar incidents are also reported to have occurred, on around the same dates, in other neighbouring communities. For example, Marcelino Curi Huicho, Fortunata Miquera Ramos and Guillermo López Urbano were detained in Mahuayura. Mario Obando Quispe, Feliciano Obando Ramírez and Estanislao Gavilán Yulgo were detained in the Tutumbaro community of the Ayni district; on being released, they showed fractures and dislocations, as well as traces of beatings.

310. Guillermo Escobedo Flores was detained on 5 October 1996 by three police officers from Retamas, Tayabamba province, La Libertad, who accused him of theft. At the police station he is said to have been beaten repeatedly with a stick and threatened with electric shocks. He was later released.

311. Leonor La Rosa Bustamante, a member of the Army Intelligence Service (SIE), stated on television, from the Lima military hospital where she had been admitted on 6 April 1997, that she had been detained by members of the army attached to the SIE and questioned under torture in connection with allegedly having leaked confidential information about the Service. She showed burns on her fingertips and displayed difficulties in walking and moving one of her arms, and spoke of having been hospitalized suffering from a vaginal haemorrhage. This occurred, she said, on SIE premises within the "little Pentagon" at Monterrico. It is reported that she repeated these same statements to three members of the Congress who visited her in the hospital on 8 April. On 9 April, the Minister of Defence told the Congress that four SIE agents were being investigated by the military justice system for the alleged torture of Leonor La Rosa. On 17 November 1997 the Government informed the Special Rapporteur that this case was under consideration by the military jurisdiction.

312. Between 24 February and 12 March 1997 more than 40 peasants, including 8 juveniles, were detained by members of army infantry division No. 31 in or near Alto Yurinaki, Chanchamayo province, Department of Junín. The army accused these persons of belonging to the Juan Santos Atahualpa Brigade of the Túpac Amaru Revolutionary Movement (MRTA) and claimed to have located weapons that had been concealed in a gulley in Chancarmaz. All the persons detained except one were released in the following three weeks by the DINCOTE for lack of evidence. They are reported to have said that they had been detained after hooded army informants had pointed them out, and that they had been held incommunicado for several days, tortured and eventually handed over to the Pichanaki police. As a result of the torture many of them reportedly confessed or made accusations against others. Several of the juveniles said that they had been obliged, under threat of more torture, to accompany the army for several days and identify other inhabitants of the region as terrorists. Others indicated that they had been interrogated by the police in the presence of the military personnel who had detained them and that the latter had pressed them to sign the statements which they had made under torture. It is also reported that these statements had not always been made in the presence of the provincial prosecutor, as prescribed by law. None of the detainees or representatives of the Public Prosecutor's Office were present at the place where the army allegedly found the weapons. Despite the publicity given in the press to these incidents, the authorities have initiated no investigation. Among the persons allegedly tortured were Inés Marilú Avila Gálvez, Loida Soline Dionicio Antazu, aged 17, Egla Dionicio Antazu, aged 14, Jhonny Izurreaga Soto, aged 15, Bruno Izurreaga Soto, Emerson Wistrecher Canepa, aged 17, Juan Oscar Mallma Casas, César Mallma Casas, José Teófilo Huamán Navarro, Alfonso Rojas Colca, Félix Ascencio Quichulla, José Pascual López, Félix Jorge Romero, Martín Augusto Elguera, Aurelio Leiva Barboza, Carlos González Pérez, Paulino Solís Taype, Fermín Corahua Orihuela, Lauro Aquije Lizana, Jacobo Véliz Chuquín, and Juan and Dario Vargas Martínez.

313. With regard to this case, the Government reported that a representative of the International Committee of the Red Cross had visited the detainees and verified that they were in perfect physical and mental condition. Furthermore, representatives of the Public Prosecutor's Office had

participated in the investigation of the incidents, as well as in the taking of statements from the detainees by the police, and were also examining the forensic medical evidence in the police records.

314. Mine Zenaida Vargas Lázaro, a 14-year-old Yanesha native, was detained on 1 March 1997 by army personnel from the command post of "Alto Comaina" Counter-subversion Battalion No. 79, based in the locality of Villa Rica, Oxapampa province, Department of Cerro de Pasco, in the house where she was working in Villa Rica. She was held for two days during which she was allegedly beaten and submerged in water. Although released, she was prohibited from leaving the area without the army's permission.

315. Carlos Ramírez Polanco, a soldier performing compulsory military service at Alto Comaina Counter-subversion Base No. 79, was detained on 28 February 1997. He was taken first to the Pichanaki military base and then to "Pachacútec" Commando Base No. 31 and allegedly subjected to torture. At the Pichanaki base, a major reportedly put a hood over his head and forced him to incriminate another person as an MRTA member under threat of being killed, and his body dumped into the river, and of being reported as having deserted. When moved to the "Pachacútec" military base he was allegedly taken to the Perené river, hooded, bound hand and foot and thrown into the water, where attempts were made to drown him; he was then allegedly beaten brutally with a stick. Carlos Ramírez Polanco indicated that another soldier, José Alderete Contreras, had also been subjected to similar torture and later killed.

Urgent appeals transmitted and replies received

316. On 30 April 1997 the Special Rapporteur sent an urgent appeal on behalf of Susana Roque Castro and Rosa Cárdenas, who had reportedly been detained on 25 April 1997 by national police officers from the Condevilla police station in San Martín de Porres, Lima. The detention allegedly took place when the two were leaving the home of an MRTA member who had been killed in the incidents at the Japanese Embassy. The Government stated that no complaint or report of ill-treatment or torture was recorded at any time, either by the police or at the Provincial Public Prosecutor's Office.

Information received from the Government on cases transmitted in previous years

317. Juan Abelardo Mallea Tomailla, allegedly tortured after having been taken into custody in Lima on 10 July 1993. On 28 February 1997 the Government sent a copy of the medical certificate issued by the Institute of Forensic Medicine, according to which this person underwent an examination on 12 July 1993 and at that time did not show traces of recent traumatic injuries.

318. Maria Elena Foronda and Oscar Díaz Barboza, detained on 13 September 1994 in the town of Chimbote. On 30 April 1997 the Government sent a copy of the medical certificates issued by the Institute of Forensic Medicine stating that these persons were examined on 14 and 26 September 1994 and did not show traces of injuries.

319. Gilber Sánchez Minaya, allegedly tortured at the Aguaytía Naval Base in May 1994. On 18 June 1997 the Government reported that there were no indications of this person having been detained and that he had not produced any evidence to support his allegations.

320. Irma Villaverde Ríos and Guillermo Romero Cierto, allegedly tortured at the Aguaytía Naval Base in June 1994. On 18 June 1997 the Government reported that these persons had been detained but had not been subjected to ill-treatment, as was attested in a medical certificate.

321. Jesús Vladimir Osorio, allegedly tortured on DINCOTE premises in Lima in January 1995. The Government reported that a habeas corpus action had been brought before the Seventh Court of Criminal Investigation in Lima against DINCOTE personnel for ill-treatment, and the application was declared admissible.

322. David Paullo Morvelli, allegedly tortured at the Jauja Military Base in March 1995. On 18 June 1997 the Government reported that this person had not provided evidence making it possible to establish the veracity of the allegation of ill-treatment and that he had not availed himself of domestic legal remedies.

323. Tomás Flores Huanio, allegedly tortured by naval personnel stationed at Contamana in April 1995. On 18 June 1997 the Government reported that the alleged perpetrators of the grave injuries were being prosecuted in the consolidated action brought against Flores Huanio himself for the offence of drug trafficking before the mixed provincial court of Requena.

324. José Eugenio Chamaya Rumacharis died after allegedly having been tortured by police officers in Lima on 22 September 1995. On 18 June 1997 the Government reported that the military penal court sentenced two police officers for abuse of authority to two years' imprisonment, together with disqualification and payment of damages amounting to 2,000 new soles.

325. Justo Otiniano Quiñones, allegedly tortured by personnel at the Retamas Military Base in March 1996. The Government reported that this person withdrew his complaint in view of the fact that the sergeant allegedly responsible admitted the facts and paid him a sum of money.

326. Juan Gutiérrez Silva, allegedly tortured by the Tocache police in July 1996. The Government reported that the facts were being investigated at the penal and disciplinary level.

327. Justiniano Hurtado Torres, reportedly tortured by navy personnel in San Pedro de Chío, Huánuco, on 27 November 1994, and later held by national police at La Aguaytía until his death on 11 December 1994. The Special Rapporteur requested the Government to confirm the report that his death was due to natural causes, and also to make the autopsy report available. The Government sent a copy of the provincial prosecutor's decision to drop the charge of aggravated homicide, as well as the autopsy report, which gave the cause of death as "hypobolemic shock, acute dehydration, acute respiratory insufficiency and pneumonia".

Republic of Korea

328. By letter dated 11 June 1997, the Special Rapporteur transmitted the case of Park Chung-ryol, Deputy Chairman of the National Alliance for Democracy and Unification of Korea (NADUK), who was reportedly arrested on 15 November 1995 by officials of the Agency for National Security Planning (ANSP). During his detention of 21 days at the ANSP interrogation facility at Naekukdon, some 15 officials allegedly tried to pressure him into a "confession" that he had spied for the Democratic People's Republic of Korea and joined the North Korean Workers' Party. He was reportedly subjected to repeated beatings and sleep-deprivation, had cold water poured over him, was forced to stay in a cold shower for nearly one hour each day and was forced to remain in the same position for several hours at a time. He was reportedly also taken to burial places where he was allegedly beaten severely by some 20 officials and threatened with death. Upon his transfer to Seoul Detention Centre, he was said to have been questioned and threatened daily for long hours over the course of 30 days. He reportedly filed a complaint about his treatment. By letter dated 15 September 1997, the Government confirmed his arrest and detention, but stated that he had at no time been subject to torture, ill-treatment or threats as confirmed by a medical doctor, his lawyers and family.

Follow-up to previously transmitted cases

329. By letter dated 19 December 1996, the Government replied to allegations transmitted by the Special Rapporteur on 24 September 1996, concerning 18 students reported to have been tortured or ill-treated during the Hanchongyun demonstration at Yonsei University in Seoul (see E/CN.4/1997/7/Add.1, paras. 402-404). In its reply the Government confirmed the arrest of 12 of the 18 students (Kim Man-Soo, Yang Han-Seung, Cho Hyong-Kyu, Park No-Chil, Kim Kang-Shik, Yi Seung-Joon, Yi Jae Hyun, Cho Yoon-Joo, Oh Oon-Shik, Oh Seung-Joon, Myoung Ho and Jung Jae-Hoon), the first 5 of whom were found to have been injured upon their arrival at the police stations. Investigations by the authorities had failed to find any evidence that their injuries were due to ill-treatment by the police. By way of example the Government referred to the case of Kim Man-Soo whose allegations of abuse had been investigated by the Seo Bu Prosecutors' Office. The investigations had indicated that Kim Man-Soo had been arrested because he was wielding a steel pipe when resisting surrender. Riot police officer Lee Yong-soo had to disarm him by hitting his right hand which was holding the pipe. He had been treated for his hand injury. According to the Government Kim Man-Soo had later retracted his initial allegation that he was abused in police custody, after he was faced with officer Lee's account. The Prosecutor's Office had therefore concluded that his allegations were false and closed the case. The Government further stated that the demonstration had been illegal, represented a serious threat to peace and security of the nation and its democratic system, and had been extremely violent as illustrated by an unprecedented record of injuries suffered by the police. Students had been armed with thousands of steel pipes, fire bombs and stones. Given the record of casualties suffered by the police, media monitoring of the demonstration and the dispatching of some 30 prosecutors to each police station to ensure that student interrogations were conducted in a proper and lawful manner, the Government found it much more likely that the alleged injuries were suffered

when the students resisted police attempts to disperse the crowd. The Government added that none of the 18 students had lodged a formal complaint, but that it would conduct follow-up investigations if complaints were filed. In this connection, the Government said that the Seoul District Prosecutors' Office would start investigations into the formal complaints of seven female students who alleged that they had been sexually harassed by the police during the demonstration.

330. In response to the Government's reply, the Special Rapporteur transmitted on 11 June 1997 additional information from the source that Kim Man-Soo had not in fact withdrawn the allegation and indeed had never again been questioned by the police following his initial interrogation. The Special Rapporteur also transmitted additional information from the source alleging that Kim Man-Soo during his arrest on 20 August 1996 by officer Lee Yong-soo had allegedly been indiscriminately beaten all over the body with batons and fists by officers. On the police bus, he and other arrested students were reportedly subjected to further beatings, as a result of which Kim Man-Soo suffered broken bones in his right hand. Sul Jae-wook was allegedly beaten on the face and received cuts over his left eye and bruises inside the eye. Nam Kwan-woo allegedly had his head badly cut open. The source further asserted that Kim Man-Soo had never held a metal pipe during his arrest, but that seven male students with heavy physiques, including Kim Man-Soo, were made to hold metal pipes and photographed with seven officers next to them. One of the seven, student Kim Won-deuk, reportedly resisted having his photograph taken and was apparently ill-treated as a result. Kim Man-Soo had reportedly presented evidence of his ill-treatment at his trial, but was said to have been convicted on 7 November 1996 at the Seoul Seo Bu District Criminal Court.

331. On 15 September 1997, the Government replied that the Korean Court remained of the opinion that Kim Man-Soo's claims were false. He had admitted all charges against him, including the use of a steel pipe, and had received a prison sentence of 18 months with a probation period of 2 years. Following his release, he had withdrawn his appeal to a higher court. Sul Jae-wook and Nam Kwan-Woo had been indicted on the same charges and sentenced to the same prison and probation terms. They also withdrew their appeals. Regarding the allegation that the students were forced to hold steel pipes for staged photographs, the Government stated that there was no need to fabricate any evidence. No injuries requiring medical attention had been found on the bodies of Sul Jae-wook, Nam Kwan-Woo and Kim Won-Deuk. None of them, nor Kim Man-Soo, had charged the police with ill-treatment or claimed reparation for injury.

332. By the same letter of 11 June 1997, the Special Rapporteur requested follow-up information on the previously submitted case of Park Chang-hee, who had allegedly been tortured during interrogation by the ANSP following his arrest on 26 April 1995 and concerning whose case the Government had replied that investigations were still going on (E/CN.4/1997/7/Add.1, para. 400). In this connection, the Special Rapporteur also transmitted concerns expressed by the source that the family had reportedly not yet received a response from the authorities some 15 months after filing the complaint nor any medical documentation about his treatment in detention. On 15 September 1997, the Government replied that Park Chang-hee had been sentenced to three years and

six months in prison by the Supreme Court on 14 June 1996. Accusations by his son of corruption and violent conduct against the public prosecutor had been rejected as groundless. Park Chang-hee had been allowed to meet with his lawyers and family without restriction and had himself denied having been tortured or mistreated. He had undergone 19 health examinations, the results of which were only furnished to outside hospitals for the purpose of medical treatment.

Romania

333. In a letter of 9 July 1997, the Special Rapporteur transmitted allegations to the Government on the following individual cases.

334. Toader Pahomi, arrested on 19 September 1994, and taken first to the police station of the Arbore commune, Suceava district, and later to the Suceava District Police Inspectorate, was allegedly handcuffed to a chair and severely beaten by three police officers in order to extract a confession. A complaint was filed with the General Prosecutor's Office of the Supreme Court of Justice on 12 April 1996 and the General Public Prosecutor of Romania on 3 February 1997.

335. Victor Mandiuc was arrested on 9 August 1995 and taken to the Iasi District Police Inspectorate, where he allegedly died on 14 August 1995 following severe beatings by another prisoner under instructions of police officers. An investigation was initiated by the Iasi Military Prosecutor's Office.

336. Nelu and Radu Mirea were arrested on 6 November 1995 at Victoria commune, Mihai Bravu village, then taken to the Braila District Police Inspectorate. They were allegedly beaten severely with fists and rubber sticks in order to extract a confession, and reportedly remained incommunicado for more than one month. A complaint was filed with the General Prosecutor's Office on 2 November 1996.

337. Ionel Deliu, Gheorghe Padure and Lazar-Costica Stegaru were arrested on 30 May 1996 in Piscu commune, Galati district, and taken to the local police station, where they were allegedly beaten by three sergeants during a detention period of about 24 hours. The three police officers were prosecuted and given suspended sentences of two years' imprisonment. No disciplinary measures were reportedly taken against them and they continued in the same jobs they had occupied prior to the incident.

338. Florin-Adrian Gavris was arrested on 23 June 1996 and taken to the police station in the Diosig commune, Bihor district. He was allegedly kicked, beaten with fists and rubber sticks and had his head hit against a table. A medical examination of 24 June revealed extensive bruising consistent with the use of a blunt object. A complaint filed with the Bihor District Police Inspectorate was unsuccessful. A complaint was also filed with the Military Prosecutor's Office in Bihor on 1 December 1996.

339. Ovidiu Tamas was arrested on 22 June 1996 and taken to the police station in Diosig commune, Bihor district, where he was allegedly beaten by four officers. A medical certificate was said to indicate the existence of

injuries caused by a blunt object. The case was reported to the head of the Bihor District Police Inspectorate without success. Complaints were also filed with the Bihor and Oradea Military Prosecutors' Offices in November 1996 and February 1997 respectively.

340. Upon arrest by police officers in Târgu-Mureş on 7 July 1996, Gheorghe Notar, Ioan Ötvös, and Rupi Stoica, all minors, were reportedly slapped and beaten. At the police station, Gheorghe Notar was allegedly hit on the back while climbing some stairs, making him fall and lose consciousness for a brief period. The beating of the three youths continued intermittently during an interrogation which lasted for several hours. A complaint about police ill-treatment was filed with the Military Prosecutor.

341. Daniel Potroghiru was arrested on 16 August 1996 and taken first to the police station in the Margineni commune, Bacau district, and then to the Bacau District Police Department. During his detention he was allegedly handcuffed, hit with the handle of an axe on the chest and a rubber stick on the head, and given electric shocks, as a result of which treatment he had to be hospitalized. The case was reported to the Military Prosecutor's Office on 30 April 97.

342. Marious-Liviu Neculaescu was arrested on 17 August 1996 in Fieni, and reportedly taken to the Fieni Police Department, Dambovita district, where he was severely beaten with fists and rubber sticks. He suffered severe damage to his spleen as a result, and had to be operated on.

343. On 11 December 1996, Adrian Sandu and Mihail Alexandrescu were arrested in the Distor district of Bucharest by police officers who allegedly encouraged their dogs to attack the two men. They were reportedly beaten severely at the same time. A medical examination was said to establish the presence of bite marks on the legs as well as many bruises on the face and body.

344. Cristian Rasnoveanu was arrested by police officers on 24 December 1996 in Braila. Two hours after the arrest, his father allegedly saw him lying unconscious with signs of blows all over his body. The victim later reported having been sprayed with a paralysing substance and beaten with a rubber baton.

345. Ion Axente reportedly attempted to intervene in a dispute between a villager and the chief of police of Piscu commune, Galati district, on 29 January 1997. The police officer allegedly sprayed a paralysing substance on Ion Axente's face and then kicked and beat him severely causing serious brain damage. As a result, he fell into a coma from which he never recovered and died in hospital on 13 May 1996. A complaint was filed with the Military Prosecutor's Office in Iasi on 1 March 1996, but it was decided not to initiate criminal investigations.

346. János Döngölö and Mihály Rozs, both aged 18, were allegedly beaten by police in a bar in Fântânele, Mureş, then in the local police station. They were hospitalized for 12 and 8 days respectively as a result of their injuries.

Russian Federation

347. By letter dated 17 November 1997, the Special Rapporteur transmitted to the Government the following cases.

348. Mikhail Yurochko, Yevgeny Mednikov and Dmitry Elsakov were reportedly arrested in connection with a murder case on 24 September 1993. Mikhail Yurochko and Yevgeny Mednikov were reportedly found guilty of murder and sentenced to death. Dmitry Elsakov was said to have been sentenced to 15 years' imprisonment. All three allegedly stated that their confessions had been obtained under torture. Mikhail Yurochenko was reportedly subjected to beatings, food deprivation, rape by his cell-mates with the authorities' connivance and threatened to commit suicide. Yevgeny Mednikov allegedly suffered similar ill-treatment. Dmitry Elsakov was said to have had boiling water poured on him. His brother was reportedly forced to testify against him after having been interrogated for seven days without sleep. In November 1995, the Supreme Court of the Russian Federation reportedly overturned the death sentences and referred the case back to the stage of preliminary investigation.

349. Nikolay Andreevich Abramov, from Mordovia, was reportedly arrested on 11 April 1994, accused of stealing a tractor. He was said to have been subjected to beatings and the konvert and lastochka methods (see E/CN.4/1998/38, para. 164) by members of the Criminal Investigation Department (CID). Aleksandr Derkayev was allegedly arrested in connection with the same case and is said to have suffered a broken rib as a result of beatings. Criminal proceedings against the CID officers alleged to be responsible have reportedly been instituted.

350. Sergey Osintsev, and some other unnamed prisoners detained in solitary confinement cells at the labour colony YaP 17/1 in Stavropol Territory, were allegedly attacked on 12 April 1994 by special troops searching the colony. After having been forced to take off their clothes, they were reportedly severely beaten and kicked. Sergev Osintsev was allegedly threatened with death if he registered a complaint.

351. Aleksandr Voevodin, a staff member of the "Gepard" company in Mordovia, was reportedly arrested with four other staff members in August 1994. They were allegedly subjected to torture by members of the CID of the Ministry of Internal Affairs to make them confess to criminal acts. Aleksandr Voevodin was said to have been forced to wear a gas mask of with the air supply cut off (slonik). He was reportedly beaten on his genitals and threatened with hanging. Investigations into the alleged torture and ill-treatment were said to have been instituted.

352. Aleksandr Vladimirovich Ashenkov, from Mordovia, was allegedly arrested on 22 August 1994 and taken to the Leninsky district of the Regional Department of the Internal Affairs (ROVD), where he was allegedly beaten and forced to write a confession. No criminal proceedings were said to have been opened due to lack of corpus delicti.

353. Yelena and Irina Smirnova, were reportedly severely beaten by police officers when arrested in Moscow on 13 September 1994 on charges of

misappropriation of State property. According to medical certificates, Yelena Smirnova sustained injuries to her right arm, left ribs and rib cage. They were reportedly released after 36 hours. She was, however said to have been re-arrested on 26 August 1995 and still awaiting trial in April 1997. She was reportedly detained with more than 60 other detainees in a cell meant for 24 persons. Food and medical care were allegedly insufficient and several detainees were said to suffer from infectious diseases. Yelena herself was reportedly suffering from a serious skin disease. Requests to open a criminal investigation into their alleged ill-treatment had reportedly been refused.

354. Andrey Evgenyevich Arekhin, a 16-year-old boy from Mordovia, was reportedly arrested on 14 November 1994, accused of arson. At the ROVD in Saransk, he was allegedly subjected to the slonik method and beaten on his legs, chest and kidneys in order to extract a confession. In December 1994, the Procurator's Office of the district reportedly found no evidence of the alleged ill-treatment and Andrey Evgenyevich Arekhin was said to have withdrawn his allegations during investigation.

355. Vladimir Firsov, a 16-year-old student, was reportedly arrested with Dmitry Bogdankevich on 24 November 1994, suspected of murder. They were allegedly subjected to torture and ill-treatment during interrogation in the Leninsky district of the Regional Department of the Internal Affairs. Vladimir Firsov reportedly sustained contusions of the spine and left hip joint. A criminal investigation into the alleged ill-treatment was said to have been closed due to lack of evidence.

356. Hasan Khamidov, from the village of Terskoe in the Chechen Republic, was allegedly tortured during his detention at the "filtration camp" in Mozdok in January 1995. His feet were reportedly cut with a bayonet blade and burned with cigarettes by Russian guards.

357. Ruslan Hajiev, from Grozny in the Chechen Republic, was reportedly beaten with a club on the head during interrogation at the camps in Mozdok and Stavropol, in January 1995. The beatings allegedly resulted in the loss of his eyesight.

358. S. Baskakov, a 14-year-old boy, was reportedly taken from school by police officers in Magadan. They allegedly handcuffed him, forced him to wear a gas mask and beat him with boxing gloves. The boy reportedly had to be hospitalized with concussion and disfunctioning kidneys. A criminal case was said to have been opened against the officers in the beginning of 1995, but none of them had reportedly been tried by April 1997.

359. V. Polyakov, a 16-year-old boy, was reportedly beaten at the police department in Magadan. He was also said to have been taken to a swamp outside town, where he was handcuffed, stripped, left hanging in a tree for one hour, and hung upside down in a well. In August 1995, a criminal case was reportedly opened against the officials.

360. Oleg Igonin, from Mordovia, reportedly died in detention as a result of torture on 26 July 1995. He was said to have been subjected to slonik during

interrogation by officials of the ROVD. According to medical examination, he died, strangled by hands. By December 1995, two police officers had reportedly been charged with his murder.

361. Oleg Kovalenko, Konstantin Yunak and Yury Dikhtyarenko, from Madagan, were reportedly arrested by the police on 6 October 1995 on suspicion of theft. During interrogation at City Police Department No. 1 they were said to have been repeatedly subjected to torture for several days. Oleg Kovalenko was allegedly beaten with his hands handcuffed behind his back and subjected to slonik for 1½ hours. Yuri Dikhtyarenko was allegedly beaten all over his body while handcuffed. They reportedly stripped him of his clothes and tried to insert a chair leg in his rectum. He was also said to have been subjected to slonik close to the point of suffocation. Konstantin Yunak was reportedly severely beaten. A criminal case was said to have been opened against several police officers.

362. Pavel Fedorov, a detainee in the labour colony UG-42/7 in the Arkhangelsk region, was reportedly severely beaten by officials of the Department of Internal Affairs on 13 October 1995. Although several of his ribs were said to have been broken, medical care was reportedly withheld. In December 1995, the regional office of the Procurator of Arkhangelsk was reported to have admitted his ill-treatment, but allegedly refused to open a criminal case.

363. Dmitry Zhukov, a soldier based on the island of Severny Berezovy in the Finnish Gulf, reportedly had food rations withheld by the commanding officer of the base as punishment for his alleged slow work. It was further alleged that he was severely beaten and was seen eating from a dog bowl. In December 1995, he was reportedly hospitalized with serious starvation trauma, multiple injuries to his back and head, stomatitis and beginning kidney failure. A criminal investigation was said to have been started against the commanding officer.

364. Denis Andreyev, a soldier, was allegedly assaulted in the night of 27 December 1995 by two drunk officers in his unit where he had just returned after having been hospitalized for a broken leg. According to the information received, the officers beat him unconscious. He was then reportedly locked up for 35 days as disciplinary punishment and medical care was said to have been refused him. The Office of the Military Procurator of the Sertolovsky garrison in the military district of St. Petersburg reportedly refused to open a criminal case.

365. Uvanchaa Dozur-ool Mongushevich, a novice monk from St. Petersburg, was drafted into the army in 1995 and sent to Khabarovsk region, allegedly despite his conscientious objection. He was reportedly severely beaten by fellow-soldiers as a result of which he was hospitalized with two broken legs.

366. V.N. Ishenko, a worker, was reportedly arrested by the police on 9 February 1996 and detained for three days in Moscow police department No. 42, where he was allegedly subjected to repeated beatings while being told to confess to several crimes.

367. Oleg Fedorov was reportedly arrested by two high-ranking, drunk officials of the Regional Department of Internal Affairs in Arkhangelsk on 17 February 1996. After having been interrogated for two hours, during which he was allegedly subjected to severe beatings, he was said to have asked permission to go to the toilet, jumped out of the window from the fourth floor and died. The two officials were reportedly charged for exceeding their authority and dismissed. In May 1996 the criminal investigation was allegedly closed due to lack of evidence.

368. Evgeny Lisitsky, an Afghanistan war veteran, was allegedly arrested on 29 February 1996 by the police in Volgograd for not carrying his passport. At police station No. 7 of the Regional Department of Internal Affairs, he was allegedly beaten for two hours while his hands were handcuffed. He was said to have died in custody, reportedly as a result of heart failure. The regional office of the procurator reportedly opened a criminal investigation against the officials alleged to be responsible.

369. Mikhael Kubarsky and Nikolay Mikheyev, both soldiers in the town of Khabarovsk, reportedly died of starvation in March 1996. Mikhael Kubarsky was said to have died on 20 March following which 55 other soldiers were hospitalized with starvation trauma. Nikolay Mikheyev, who died later, was reportedly among them. In connection with to their deaths, the commander of their unit was reportedly dismissed and nine other officers disciplined, but no criminal investigation was said to have been initiated.

370. Salambek Hamzatov, a displaced resident of Chechnya living with four other adults and six children in an apartment in Moscow, was reportedly beaten, kicked and hit with truncheons and gun butts by 10 to 13 armed masked men led by an unmasked police officer when they entered his apartment on 22 March 1996. The men, who reportedly entered the apartment without identification, were said to have confiscated the passports of the adults and beaten the men in front of their wives and children for about one hour. One of the women, Raisa Abdurahmanovna Gunayeva, was reportedly also beaten and threats were directed at the other women. One child, A. Takayeva (12 years old), allegedly went into shock. It has further been alleged that the armed men cut off the telephone and forbade calling for medical assistance. They were said to have threatened, in particular, U.A. Akayev with death for his opposition to the conflict in Chechnya. Medical services were reported to have initially refused to assist them.

371. Said Selim Bekmurzayev and his son Sultan Bekmurzayev, displaced residents of Chechnya, were allegedly beaten in their apartment in Moscow on 23 April 1996 by 10 masked, armed officers of the Department for Fighting Organized Crime (RUOP). The men had reportedly entered the apartment without identification. Accusing father and son of collaboration with Chechen fighters, they allegedly beat them before detaining them at the Moscow City Department of Internal Affairs.

372. Sergey Bannikov, a navy draftee in Kronstadt, was reportedly severely beaten and bullied by fellow-soldiers. As a result, he was said to have tried several times to escape, but was beaten after each failed attempt. He was allegedly forced to write a farewell letter in which he stated he wanted to commit suicide but that nobody was to be blamed for his death.

On 7 August 1996, following an escape attempt, fellow-soldiers and a commanding officer allegedly tried to hang him, leaving traces of a rope on his neck and leading to partial loss of his voice. The soldiers were said to have continued beating him until he became paralysed and lost consciousness on 25 August 1996 after which he was hospitalized. An administrative investigation by the military authorities reportedly found that one fellow-soldier had violated the rules of conduct between servicemen. On 15 January 1997, the commanding officer was reportedly found guilty of "offending his subordinate" by the Military Court of Kronstadt garrison. He was said to have admitted having hanged Sergey Bannikov in front of other soldiers, but claimed that it was not his intention to end his life or cause him physical harm. He was reportedly punished to limitation of service to one year, withholding 10 per cent of his remuneration and payment of 2 million rubles' compensation to Sergey Bannikov for "moral damage". The court's decision was reportedly appealed.

373. Saidkhamzat Abumuslimov, Adam Saigatkhadzhiev, Andi Vagapov and Adnan Abumuslimov, all of Chechen origin, were reportedly beaten at the apartment of Saidkhamzat Abumuslimov on 17 June 1996 by 15 masked, armed men believed to be officers of the special police units (OMON). Visitors Andi Vagapov and Adnan Abumuslimov were reportedly subjected to similar treatment.

374. Salim, an Afghan asylum seeker, was reportedly stopped by three police officers in Moscow on 4 July 1996 and asked to identify himself. While showing his passport, the officers allegedly insulted Salim and tore up his passport. One of the officers allegedly cut the top of his thumb with his bayonet.

375. Yan Igorevich Mavlevich, said to have been mentally ill since childhood, was allegedly assaulted by police officers in police station No. 102 in Moscow in order to extract evidence, before he was charged, on 23 May 1997, for premeditated serious physical harm. He was reportedly beaten with a club, subjected to the lastochka method, beaten on the soles of his feet and had a plastic bag put on his head. Both the Perov and Moscow offices of the procurator had reportedly refused to institute criminal proceedings against the police officers alleged to be responsible, due to lack of objective confirmation of the allegations. An appeal was said to be pending at the Office of the Procurator General of the Russian Federation.

Information received from the Government on cases included in the 1997 report

376. By letter dated 28 March 1997, the Government replied to several allegations the Special Rapporteur had transmitted in his letter of 23 September 1996 (see E/CN.4/1997/7/Add.1, paras. 417-428).

377. Concerning the alleged ill-treatment of Chechen nationals at the Mozdok filtration camp, the Government replied that the available information indicated that the only person detained at this location, Mohamed Rachid Akhmetovich Pliev, who had allegedly been beaten and subjected to electric shocks (see E/CN.4/1997/7/Add.1, para. 420), had been released on 24 January 1995. With respect to the detention conditions at the filtration posts, the Government replied in general that, at the time they

were in use, the posts had been visited many times by a delegation of the State Duma, other political officials, including leaders of the Chechen Republic, members of the Office of the Procurator General and of the regional procurators' offices, as well as representatives of the International Committee of the Red Cross and the Organization for Security and Cooperation in Europe, who had not received a single complaint from the detainees regarding the detention conditions. Also, allegations of incidents of torture and cruel treatment by members of the armed forces had not been confirmed. As for allegations that troops of the Russian Ministry of Interior had resorted to the use of electric shocks, the Government emphasized that these units had not been provided with such equipment. However, the various prosecutors' offices and the Ministry of Interior are in the possession of information indicating that certain criminals, disguised as soldiers of the federal forces, commit atrocities in order to compromise attempts to find a political solution to the crisis in the Chechen Republic.

378. Concerning the case of Dimitry Valeryevich Kalitsinsky, V.N. Uyupin and K.E. Shekhovtsov, whose statements had reportedly been extracted under torture by police officers (see E/CN.4/1997/7/Add.1, para. 427), the Government stated that they had been sentenced in March 1996 by the court of Uglegorsk to six years' imprisonment under article 145, paragraph 2 (aggravated robbery), and article 146, paragraph 2 (aggravated robbery with violence), of the Russian Criminal Code. During the pretrial investigation, the accused had claimed that the police officers had tried to extract statements by force. These allegations had been examined by the prosecutor's office of Uglegorsk, without results, nor had they been confirmed during the hearing. Having established that none of the accused had been subjected to physical violence, the court had therefore considered their statements as a means of protecting their interests.

379. With respect to the case of Sultan Kurbanov, a Chechen who had reportedly been arrested by the police and subsequently been beaten (see E/CN.4/1997/7/Add.1, para. 428), the Government stated that he had been admitted to city hospital No. 1 on 16 January 1996 with bruising of the head and eye. In the waiting room, he indicated that he had been attacked by unknown assailants. After he had received the necessary medical care, he left the building. Allegations that the hospital would not treat Chechens were unfounded, according to the Government.

Rwanda

380. On 23 January 1997 the Special Rapporteur, in conjunction with the Special Rapporteurs on the situation of human rights in Rwanda, on extrajudicial, summary or arbitrary executions, and on the independence of judges and lawyers, transmitted to the Government an urgent appeal concerning trials for genocide and crimes against humanity that were then under way. According to the reports received, the trials were being conducted in a fashion that did not fully allow for the due process called for in international instruments. In particular, there were said to be incidents in which the accused had been mistreated before attending a hearing.

381. On 30 May 1997, the Special Rapporteur, in conjunction with the Chairman-Rapporteur of the Working Group on Arbitrary Detention, sent the

Government an urgent appeal concerning Zilpa Mukabarinda. She was said to have been arrested on 23 March 1997 in Bwakira, Kubuye, where she was beaten and raped in a wood by five armed individuals in military uniform. She was then allegedly detained in the commune of Kivumu, Kibuye, where her injuries were left untreated and her family was not allowed to visit her.

Senegal

382. By letter dated 23 January 1997, the Government sent replies concerning the cases below.

383. Lamine Samb, who was arrested in Dakar on 17 February 1994 and died in hospital two days later, having been tortured. The Government replied in June 1994 that he had died of a heart attack. According to additional information which reached the Special Rapporteur in 1996, Samb had been deprived of food and tortured, and the results of his autopsy had supposedly been kept confidential. The Government sent the Special Rapporteur the results of the autopsy showing that Samb had died of a heart attack which a hereditary condition - but one that would not normally have had such consequences - had helped to bring on.

384. Marième Ndiaye, was arrested twice in September 1995 and allegedly tortured on both occasions. Police officers had supposedly been arrested as a result of her complaint. In its letter dated 23 January 1997, the Government stated that the suspected culprits had been charged, and the case was following its course in the First Examining Magistrate's Office in Dakar.

385. Youba Badji, Bacary Diedhiou and Anice Sambou, arrested near Niaguis between January and April 1995 and allegedly dead as a result of torture. The Government informed the Special Rapporteur that no one answering to those names had been arrested in the circumstances described. Youba Badji, it said, had fled to Guinea-Bissau, where he was said to have died of an illness, Anice Sambou had been sheltering in Gambia since 1992, and Bacary Diedhiou had joined the underground and might have been killed in an incident between elements of the army and freedom fighters.

386. Demba Ndiaye, the Mayor of Goudomp, was said to have been tortured following arrest in Ziguinchor in 1995. According to the Government, Ndiaye had in fact said in an official statement dated 4 November 1996 which was appended to the letter that he had never been tortured and had never lodged a complaint.

Spain

387. By letter dated 26 May 1997 the Special Rapporteur transmitted to the Government the following cases, with respect to which it replied on 4 August 1997.

388. Jorge García Sertutxa, an inmate at the Alcalá Meco prison, Madrid. On 17 May 1996 two officials of unit 6 reportedly brought Mr. García Sertutxa, insulting and pushing him, to unit 7, where they allegedly asked him to get undressed in order to make a body search. The detainee reportedly did not refuse but, on the basis of the applicable legislation, requested a

dressing-gown. The officials are said not to have acceded to this request and to have given the detainee a beating, with kicks and punches to his whole body. They also reportedly took off his clothes and forced him to bend over. The detainee is said to have asked the prison doctor for a report, but the latter allegedly refused to hand it over, affirming that he would send the report to the administration and the judge. Mr. García Sertutxa is said to have complained about the incident to the prison examining magistrate. The Government reported that the inmate was taken to unit 7 and submitted to a body search for failing to observe discipline. On meeting resistance the officials were duty-bound to use physical force. On 18 May, immediately after the incidents in question, the inmate was examined by the medical service, which found him to have light injuries consisting of abrasions on the right side and a linear abrasion in the right frontal region. The inmate lodged an appeal with Prison Examining Magistrates Court No. 3 in Madrid, but the appeal was dismissed.

389. Ander Uribarrena Otxoa, an inmate at Puerto I prison. On 6 August 1996, during a morning inspection, a group of six officials reportedly took Mr. Uribarrena Otxoa to the isolation ward and obliged him to undress. When he refused the officials allegedly jumped on him, insulting him and delivering blows to his face and other parts of the body. Two days later, during a visit, members of his family reportedly noticed bruises on his arms and legs. His mother is said to have filed a complaint with the Bilbao police court. The Government reported that the inmate had insulted and threatened the officials, and for that reason it was decided to transfer him to another department. The inmate resisted this transfer, and punched and kicked the officials concerned, thereby making it necessary to use physical force. The subsequent medical examination found Mr. Uribarrena Otxoa to have light injuries consisting of scratches on his back.

390. Asier Guridi Zaloña, an inmate at Los Rosales prison, Ceuta. On 19 November 1996 he is said to have been beaten repeatedly by a group of officials, causing him multiple bruises and bleeding in the right ear, for which he received treatment from the prison doctor. He is also said to have been examined, on 21 November, by a forensic physician. The Government reported that the inmate had attacked an official, making it necessary to use physical force to subdue him. As a result of the incident and according to the subsequent medical examinations, the official was found to have suffered bruising on the kneecap and the inmate to have sustained injuries diagnosed as light, consisting of haematomas, scratches on the nose, and erythema in the left lumbar region. Ceuta Examining Court No. 4 instituted proceedings, which are still pending, as a result of the communication from the director of the establishment, and the charges of the inmate and the official have been joined in these proceedings.

391. Luis Iruretagoiena Lanz was handed over on 8 June 1996 by the French authorities to the Civil Guard, which transferred him to Madrid. Until 11 June he is said to have been held incommunicado and tortured with methods including the use of electrodes, a plastic bag placed over the head, blindfolding and beatings. On 11 June he was brought, assisted by officially appointed counsel, before the magistrate of Central Investigating Court No. 3, who reportedly ordered him to be detained incommunicado. His detention in the Alcalá Meco prison is said to have been extended until 11 July, when his own

lawyer was reportedly able to visit him for the first time. The Government reported that Mr. Iruretagoiena was seen by a doctor on 9, 10 and 11 June 1996, and that the medical reports mentioned no marks on his body consistent with the treatment alleged by the detainee; in his statements to the Civil Guard, in the presence of officially appointed counsel, he did not claim to have been subjected to ill-treatment, nor did he do so when he appeared before the judge; none of the 11 lawyers assisting him reported ill-treatment. In the absence of any complaint, the judge did not order the opening of an investigation.

392. On 24 January 1997 the Special Rapporteur transmitted to the Government the case of Josu Arkauz Arana, concerning which he had received information from non-governmental sources indicating that this person had been tortured after he was handed over by the French authorities to the Spanish authorities on 13 January 1997. On 19 February 1997 the Government replied in detail to the above-mentioned complaints. It indicated in particular that the detainee had undergone 10 medical examinations between 13 and 16 January and that none of them had found signs of violent treatment. Having examined the various reports, including that of the doctor appointed by the family, Central Examining Court No. 5 ruled that there was no evidence of unlawful conduct involving ill-treatment. The Government's reply was communicated to the complainants, who transmitted the following additional information to the Special Rapporteur. During the transfer from Figueras to Madrid, the Civil Guard officers inflicted numerous blows on Josu Arkauz with the palm of the hand, especially to his head. When he reached Madrid they masked him and took him to an office, hitting him about the head until they reached it. The mask was kept on for the whole of the time and they removed it only when the forensic physician arrived. They put a plastic bag over his head for 10 minutes on several occasions, so that he was unable to breathe and eventually lost consciousness. After the first forensic examination it was not put on again. During the interrogations he received many blows with the palm of the hand as well as hard slaps on the ears. He also reported that they pretended to give him electric shocks and that he received numerous death threats against himself and his family. He stated that the treatment became softer after the forensic physician's visit. On 11 March 1997 he filed a complaint about these matters with Bilbao Examining Court No. 6. The complainant also transmitted a report prepared by the family physician stating as follows. Most of the ill-treatment and torture alleged by the patient leaves no external physical evidence, and hence it cannot be concluded from the absence of physical signs that such ill-treatment did not take place. As to causing asphyxia by using a plastic bag, in order to observe changes in the amounts of oxygen and carbonic acid gas in the blood, it would be necessary to measure the gases immediately after the application of this method, since recovery is very rapid. In a blood test there was observed to be a distinct elevation of a muscle-damaging enzyme called CPK. This distinct increase in CPK may be compatible with localized muscular damage caused by the blows allegedly received by the patient. Concerning these new data, the Government reported that the complaint of ill-treatment was filed two months after the alleged incidents, a fact that did not seem logical, and that the complaint was being dealt with by Central Examining Court No. 5. The family doctor's report is said to have been taken into consideration in that context.

Sri Lanka

393. In a letter of 10 July 1997, the Special Rapporteur transmitted allegations concerning the cases summarized below.

394. On 17 March 1997, Velan Rasamma and her sister, Velan Vasantha, were allegedly raped repeatedly at their home in Mayilampaveli Colony, Batticaloa district, by four soldiers from the Mayilampaveli army camp who were said to have forced their way into the home. Complaints were made to the local police at Eravut and the Joint Operations Commander.

395. Murugesupillai Koneswary was reportedly subjected to harassment by officers of the Central Camp police station after she had made a complaint that the officers had stolen timber from her residence in 11th Colony village. On 17 May, persons believed to be police officers allegedly entered her home and raped her, after which they threw a grenade at her genitals, which resulted in her death. An inquiry reportedly ordered by the President of Sri Lanka into the alleged rape and killing was said to be under way by the Criminal Investigation Department.

Sudan

396. The Special Rapporteur transmitted urgent appeals, on the dates mentioned in brackets, on behalf of the following persons. All urgent appeals were made in conjunction with the Special Rapporteur on the situation of human rights in the Sudan. The allegations as well as any Government replies received are summarized below.

397. Twenty-six persons were reportedly arrested in Khartoum in late December 1996 and early January 1997 and were said to be held incommunicado at Kober prison. They allegedly included several members of the Umma Party and of the Ansar religious order, some former government officials and lawyers, a former member of the Sudan Doctor's Union, a member of the Democratic Union Party and a member of the Communist Party: Abdel Nabi Ahmad, Adam Yousif, Fadl al-Nur Jabir, Fadlalla Burma Nasir, Hashim Awad Abdel Magid, Abdel Mahmud Haj Saleh, al-Haj Abdelrahman Abdallah Nugdallah, al-Haj Ibraheem Nugdallah, Abdel Rasoul al-Nur, Mohamed Ismail al-Azhari, Sayed Ahmad al-Hussein, Mustafa Abdel Gadir, Al-Fadl Adam, Ibrahim Ali, Bakri Adel, Ali Mahmud Hassanein, Nagib Nejm al-Din, Omer Mohamed Omer, Mohamed Mahil, Ali Amda Abdel Magid, Mohamed Satti, Mahdi Abderahman Ali, Mahamed al-Mahdi, Dr. Naggeb Hassan el Toum, al-Haj Madwi, Awad Al-Kareem Mohammad Ahmad, Sadiq Yosef (17 January 1997).

398. Fourty-four names were added to the above-mentioned urgent appeal. The persons were allegedly arrested in early January 1997 in Khartoum and transferred to an unknown location. Among them were several members of the Umma Party, the Communist Party, the Democratic Unionist Party, trade unionists, lawyers, former government officials, an imam and a journalist: Fadella Mohamed Hashim, Yahya Ali Abdalla, Abdel Latif Gimiabi, Bushra Mahdi Bushra, Ismail Adam Ali, Al-Fadl Hamad Diab, Mohamed al-Sil, Baba Saafi, al-Haj Karoum, Mohamed Adam, Abdel Karim Karomal, Abdel Aziz al-Rufai, Gaafar, Kouko, Mohamed Abdin Osman, Ali Simat, Yahya Mudalal, Saudi Darraj, Taha Said Ahmed, Abdalla Malik, Nasr Ali Nasr, Kamil Abdel Rahman al-Sheikh, Ali Ahmed

al-Said, Mohamed Mahjub Mohamed Ali, Gamal Abdel Rahman, Mohamed Nourain, Hashim Tullub, Dr. Osman Sour Kati, Mahde Abdelrahman Ali, al-Tijani Mustaph, Farouq Kadoda, Mahjoub al-Zubeir, al-Hadi Abdel Aziz, Taha Sid Ahmad, Salah Abdel Karim, Adam Madibu, al-Fadl Mahir, Mohamed Suleiman, Abdel Jalil Karoma, Mohamed Dia'a al-Din, Ali Khalifa, Mansour Hassan, Mohamed Babiker Mokhtar, Nur al-Din Medani (23 January 1997). On 25 March 1997, the Government stated that the above-named persons had been legally detained on suspicion of involvement in a foreign invasion on Sudanese territory. Their right to physical and mental integrity was fully protected as well as their humane treatment while in detention, until the investigations were completed.

399. As of mid-December 1996, some 775 boys between the ages of 7 and 16 were reportedly being held at the Al Huda camp at Abu Dum, a facility for street children. Some were said to have been taken to the camp forcibly, despite the fact that they were not homeless. In the camp, many boys were said to be suffering from serious medical neglect, sometimes life-threatening, and lack of adequate nourishment. A number of children had also allegedly been subjected to torture or ill-treatment for attempting to escape or other infringements. The methods of torture reported included beatings, standing for prolonged periods in the sun and being lifted parallel to the ground and then dropped onto their abdomen. Prior to their transfer to the camp, they were reportedly held in Kober prison where they were allegedly routinely subjected to torture or ill-treatment. They were said to have been beaten with rubber hoses, compelled to fight each other for the meagre food rations provided and forced to sleep in sewage (29 January 1997). By letter dated 12 February and 13 May 1997, the Government informed the Special Rapporteur of an agreement between the Sudan State Ministry of Social Welfare and UNICEF, plus some other international organizations, to work jointly on family reunification for the children in Abu Dum. It stated that the allegations of harsh camp conditions were false since the camp was situated in the village of Abu Dum, an agricultural area with an ample and varied stock of food, and that health care and educational services were provided for. Furthermore, the Government stated that the National Reception and Reunification Centre for Vagrant Children had been opened in February 1997 to reunite the children at the camp with their families. It had been decided to close down the camp and replace it with reception and reunification centres in which children would spend a maximum of six months during which their cases could be studied with a view to their rehabilitation and reunification. To this end, there had also been established a Higher Committee to Deal with the Problem of Child Vagrancy and a National Reception and Reunification Centre for Vagrant Children at Suba, Khartoum, as well as a National Federation of Voluntary Organizations Operating in the Field of Vagrancy to coordinate their joint efforts.

400. Ali Mahi El Saki, a 64-year-old labour union leader, was reportedly arrested in mid-January 1997 in Hag Yousif, Khartoum. He was believed to be held at Kober prison. Ali Mahi El Saki was allegedly tortured during a previous period of detention, as a result of which he had suffered serious injury (11 February 1997).

401. The following 76 persons, among whom four members of the Ba'ath Arab Socialist Party, were reportedly arrested in Khartoum during January and February 1997, most of whom were said to be held at Kober prison: Abdel Moneim Ahmad al-Haj, Osman Idris Abu Ras, Mohammed Dia, Ishaq Ibrahim,

al-Tijani Hussein Daffala al-Sid, Samira Hassan Ali Karrar, Widaat Hassan Ali Karrar, Ezekiel Kodi, Joshua Dau Diu, Kwai Malak, Azhari Mohrned, Ali El Simet, Abdel Gadir El Gaylani, Mohmed Abdel Rahman Abu Shanab, Amin El Rabie, El Gemeabi, Abdel Wahab Kougali, Ali Mahgoub, Mohmed Babiker Mukhtar, Bushra Abdel Karim, Mohmed Abdullah Mushawi, Ali El Sied, El Tahir Khaled, Shipera Habani, El Hadi Toojor, Abdel Rahman Kigour, Maya Eldin Osman Mohmed, Ding Awak Ooushan, El Fateh Garib Allah, Mohmed Osman, El Hag Osman El Hassan, Shihab Ahmed Gafer, Adit Abu, Muktar Abdullah, Dr. Mohmed El Mahdi, Dr. Mohmed Sulimari, Mustaffa Zaki El Hakim, Adil Salih Mokwar, Gamal Abdel Rahman, Ali Khalifa, Abdel Gadir Nassur, Amin El Shawafa, El Hag Osman Mahmud, Abdel Fatah El Rofie, Min Allah Abdel Wahab, Dr. Ding Wool, Dr. Mohmed El Hassan, Ishag El Gassim Shadad, Abdel Rahim Mabuo, Dr. Salah Haroun, Hassan Abdel, Ahmed Murgani, Abbas El Subie, El Tayeb Kanoana, Hassan Abu Zied, El Fadil Adam Ismael, Mohmed Omer, Mohmed Mohmed Nadim, Dr. Mamoun Mohmed Hussain, Subri Fakri, Brigadier Abd El Aziz Mohmed El Amin, Brig. Abd El Rahim Hamid Fadul, Brig. El Ha Langi, Brig. Mohmed Hamed Ahmed, Brig. Sayeed Abd El Karim, Brig. Omer Abd El Majeed, and Motasim Abdel Rahim Medani (13 February 1997).

402. Thirteen university students said to be political activists, Imad al-Amid, Isam al-Shubagi, Omar Mohamed Ali, Usama Siddig Yousif, Ali Mohamed Osman al-Simat, Yasir Abdel Hamid, Tariq Abdel Hamid, Mohamed Taj al-Sir, Mamoun Karrar, Atif Hassan, Mohamed Farouq, al-Nomoman al-Sair, and Usama Said, were reportedly arrested in Khartoum in mid-February 1997. They were allegedly being held without charge or trial in the security wing of Kober prison (14 March 1997).

403. Ahmed Abdelmoneim Mohamed Attia, a university graduate, had allegedly been subjected to torture, including severe beatings with rubber hoses all over his head and body, following his arrest in Khartoum on 16 March 1997. He was allegedly ordered for further interrogation and threatened with further torture in case of an opposition offensive in the country (21 March 1997). In its reply dated 27 May 1997, the Government stated that the competent authorities had confirmed the arrest of Ahmed Abdelmoneim Mohamed Attia, but that he had been immediately released after interrogation. The authorities concerned had further reconfirmed their commitment to abide by the policies of the Government which forbid acts of torture and other cruel, inhuman or degrading treatment or punishment.

404. Mudawi Ibrahim Adam, Abdel Basit Abbas Hussein, Kamal Abdel Rahman and Abdel Rahman al-Amin were reportedly arrested on or around 7 June 1997 and detained in the security wing of Kober prison in Khartoum, allegedly on the accusation of having links with the opposition (8 July 1997). By letter dated 10 November 1997, the Government confirmed the arrest of the first three persons, but denied the arrest of Abdel Rahman al-Amin. Mudawi Ibrahim Adam and Abdel Basit Abbas Hussein had been released and Kamal Abdel Rahman was under investigation by the district attorney in accordance with the law.

405. The Special Rapporteur also transmitted to the Government a letter dated 5 December 1997, in conjunction with the Special Rapporteurs on the situation of human rights in the Sudan, on violence against women and on the promotion and protection of the right to freedom of opinion and expression. The letter was sent on behalf of a group of approximately 50 women reported to

have been holding a peaceful demonstration on 1 December 1997 outside the UNDP offices in Khartoum against the compulsory military conscription of their sons and brothers to fight the civil war in southern Sudan. Police and security officers reportedly beat the women with sticks and rubber hoses and slapped them on the face. Following arrest, some 34 women were said to have been tried the same day and convicted of public order offences. They were allegedly each fined 10,000 Sudanese pounds and flogged with 10 strokes each before being released. Some were allegedly hospitalized as a result of the injuries suffered. The Special Rapporteurs called upon the Government to investigate the incident, bring to justice those responsible and compensate the victims. The women said to have been flogged were identified as: Sara Nogdalla, Neimat Ahmed Malik, Khansa Omer Salih, Souad Ibrahim Ahmed, Fawzia Fadi, Gid Elreid Rimahi Mohammed, Nagia Sid Ahmed Eiselkh, Zahra Mohammed Ahmed Fodail, Zeeinab Ali Alomda, Kawther Hussein, Salwa Saeed, Salwa Mohammed Siyam, Samira Talib Ismail, Manal Mohammed Musa, Lillian Mohammed Hussein, Rana Haj Ahmed Gandoor, Fatma Eiseelkh, Samia Ahmed Altigani, Zahra Ahmed, Hayat Mahmoud, Amani Osmaan Hamid, Ami Osman Ahmed, Siham Adam, Sara Abdalla Eijenald, Tayseer Tag Eldin, Manal Mohammed Maahgoub, Amani Almussri, Huda Ragab, Sittna Mohammed Salih, Samira Osman Hamid, Ibtihaj Mahmoud, Intisar Siddiq, Sara Hamd Elneil, and Siham Adam.

Information received from the Government on cases transmitted in previous years

406. By letters dated 6 March and 9 May 1997, the Government responded to several allegations transmitted by the Special Rapporteur on 13 September 1996, including some retransmitted cases from 1994 and 1995.

407. Concerning Osman Mahmud Ali, allegedly tortured following his arrest in April 1993 (E/CN.4/1996/35/Add.1, para. 631), and Ibrahim Mohammed Ibrahim, Musa Ibrahim, Abu Bakr Abbas, Fadl Ahmed Nail, Yahia Adam, who were allegedly subjected to torture during their detention in the first half of 1996 (E/CN.4/1997/7/Add.1, para. 459), the Government replied that they had been arrested on the accusation of involvement in bombardments of some strategic areas, but had been released after investigation. The Government denied having detained Taj Elsir Mekki Abu Zeid, El-Hadi Tanjoor and Awad Aman Alla, who were allegedly tortured during their detention in 1996 (E/CN.4/1997/7/Add.1, para. 459), Ali Habeeb Alla and Adil Karrar, who had reportedly been subjected to torture in the same year (E/CN.4/1997/7/Add.1, para. 460), and Mustafa Siri Sulaiman, who was said to have been tortured in a "ghost house" in November 1993 (E/CN.4/1995/34, para. 681). With respect to Ibrahim Bilal, allegedly tortured while in detention in 1996 (E/CN.4/1997/7/Add.1, para. 459), the Government confirmed that he had been summoned to the security services, but had been immediately released.

408. Concerning Widad Hassan Ali Karrar, Samira Hassan Ali Karrar and Alia Hassan Ali Karrar, who had allegedly been severely beaten by security officers during a demonstration in Khartoum in February 1995 (E/CN.4/1996/35/Add.1, para. 636), the Government replied that they had never been arrested.

409. With respect to the case of Brigadier Mohamed Ahmad al-Rayah (ret.), who had allegedly been tortured extensively at a number of locations from

August 1991 through late 1993 (E/CN.4/1995/34, para. 683 and E/CN.4/1997/7/Add.1, para. 471), the Government stated that no further information had been received.

410. The following persons, who had allegedly been subjected to torture, in some cases said to have resulted in their death, had, according to the Government, never been detained at any time: Camillo Odongi Loyuk; Farouk Ali Zakaria, Abdel Hamid Ali Bashir and Yousif Abdalla; Ahmed Nasser, Khalifa Naway, Ismael Sultan, Shaib Sabreya, Sheik Hamdin, Mohamed Hamad and Ramadan Jaskan (E/CN.4/1995/34, paras. 685, 686 and 688); Abdalmonim Rahama; Safi Al-Tayeb Safi; Barnaba Abdel Rahman Abu Salah; Hussein Um Dabalo Angalo; Mahjoub Tiya Kuku (E/CN.4/1996/35/Add.1, paras. 634-635, 640-642); Gift Matayo Warille, Mohamed Osman, Ibrahim Fateh Al-Rahman, Reverend Phillip Abbas Gaboush, Mustafa Awad El-Kariem, Abdalla Ali Adam, Ahmed Suleiman Khogaly, Ismail Musa Hamad, Saif El-Deen El-Gadal, Ahmed El-Toom Ali, Mohammed Abu El-Kasim, Aid Fadl and Ahmed Abdel Rahaman (E/CN.4/1997/7/Add.1, paras. 455-459).

Swaziland

411. On 7 February 1997, the Special Rapporteur made an urgent appeal on behalf of Simon Noge, Secretary of the Human Rights Association of Swaziland (HUMARAS) and Chair of the Swaziland Democratic Alliance, who was reportedly arrested without a warrant by police on 5 February 1997 and held at Manzini police headquarters. In its reply dated 10 March 1997, the Government confirmed the arrest of Simon Noge but stated that he had been allowed to contact his attorney, had not been harmed in any way while in police custody, and had been released the following day.

Sweden

412. On 2 December 1997, the Special Rapporteur transmitted an urgent appeal on behalf of Halil Aydin, a Turkish Kurd from Adiyaman governorate, whose application for asylum in Sweden had reportedly been rejected. He had allegedly been subjected to arrest, imprisonment and torture in Turkey on a number of occasions from 1985 until he finally fled in 1990, on account of his active support for the Kurdish Workers' Party (PKK). An examination by the Centre for Torture and Trauma Survivors in Stockholm reportedly revealed that he suffered from a post-traumatic stress disorder. Fears were expressed that he might be detained and again subjected to torture upon his return to Turkey.

Switzerland

413. In a letter of 13 June 1997, the Special Rapporteur, in conjunction with the Special Rapporteur on the independence of judges and lawyers, transmitted allegations concerning Clement Nwankwo, a Nigerian lawyer and human rights activist who came to Geneva in order to attend the fifty-third session of the Commission on Human Rights. He was allegedly arrested on 5 April 1997 on suspicion of theft and detained incommunicado for four days. During and subsequent to his arrest, he was reportedly kicked and beaten severely by police officers. A medical examination following his release was said to reveal injuries consistent with being beaten, for which he allegedly did not receive any medical care. The Government replied on 27 June 1997 that a

formal apology had been made to Mr. Nwankwo with respect to the treatment he had regrettably received, though pointing out that an administrative investigation had established that it had occurred due to a misunderstanding caused by Mr. Nwankwo's resistance to the arrest, and was not the product of a deliberately agressive attitude of the Geneva police. The Government further responded with additional information on 28 July 1997, supplying copies of two judicial decisions on the incident, as well as general answers to a questionnaire from the Association for the Prevention of Torture on the treatment of arrested persons, and the report of the European Committee for the Prevention of Torture on its visit to Switzerland, accompanied by the Swiss Federal Council's response to it. With respect to the treatment received upon arrest, the appeal decision of 20 June 1997 had overturned the first instance decision that Mr. Nwankwo was guilty of theft, and instead found that he had breached the Penal Code by resisting arrest, and that the measures taken by the police at that time were proportionate. Mr. Nwankwo expressed an intention to appeal against this judgement. However, with respect to the treatment received by him at the police station, the Government elaborated that the administrative inquiry previously mentioned had found that it was not compatible with acceptable principles of police behaviour. The internal procedure for sanctioning such behaviour was still ongoing, but should result in disciplinary measures against the officers concerned. It was also open to Mr. Nwankwo to apply to the State for compensation if he wished to do so.

Follow-up information received from the Government on cases transmitted in 1996

414. The Government, in three separate letters, replied to two cases transmitted on 8 October 1996.

415. Alpha Anthony Dickson, a Gambian national deported from Switzerland on 15 September 1995, had reportedly been ill-treated both while in detention prior to deportation, and by two Swiss police officers during his accompanied flight to the Gambia. In the latter case, it was alleged in particular that he had been gagged with his hands tied and a hat over his face during the entire journey, deprived of both food and water, as a result of which he reportedly lost consciousness. The Government replied on 10 December 1996 that attempts had been made on three occasions to deport Mr. Dickson, but that he had resisted, so that they had been unable to put him on the plane. On the third occasion, his resistance had resulted in injuries both to himself and to a police officer, injuries for which Mr. Dickson received treatment and which were not caused by torture as alleged. As a result of this incident, it was thought necessary to use proportionate means of restraint to carry out the deportation successfully. Immediately following take-off, the restraints were removed at the request of Mr. Dickson, and he was not therefore restrained during the entire journey or deprived of food and water, as claimed. Neither did he fall unconscious on the plane. According to the information received from the Government, reported statements to the contrary by the two Swiss police officers involved were obtained by compulsion following their harassment and detention upon arrival in Banjul, an incident over which the

416. Ali Doymaz and Abuzer Tastan, Turkish Kurds with political refugee status in Switzerland, were reportedly arrested by the police in Ticino on 6 April 1995, severely beaten and tied to a very hot radiator. The Government replied on 20 December 1996 that the two men had been detained for carrying illegal persons in their car, and had been brought to the Chiasso police station for charges, but had been released on bail an hour later. On 21 June 1995, they made a complaint of ill-treatment to the Public Prosecutor of Tessin through the intermediary of the Oeuvre suisse d'entraide ouvrière (OSEO), enclosing medical reports to the effect that Mr. Tastan revealed bruises on each arm consistent with the use of restraints, and that Mr. Doymaz showed signs of pain and swelling in the left side of his face, as well as pain in his shoulder and a red stripe on his back. However, the complaint was discontinued when the OSEO failed to comply with the prosecutor's request for a power of attorney. Mr. Doymaz and Mr. Tastan appealed to the Cantonal Court of Appeal of Tessin in December 1996 to reopen the investigation. In a further reply of 13 November 1997, the Government informed the Special Rapporteur that, on 27 March 1997, the latter had upheld the decision not to proceed, a decision which was confirmed by the Swiss Federal Tribunal on 16 July 1997. The Swiss Federal Tribunal considered, in particular, that the delays of four and five days between the arrest and medical examinations meant that it was impossible to establish cause. It also relied on a statement by the translator who had been present during the interrogation that nothing abnormal had happened.

Syrian Arab Republic

417. On 10 April 1997, the Special Rapporteur made an urgent appeal on behalf of Munif Mulhim who had reportedly been detained since 1981 in connection with the Party of Communist Action. He was said to have been due for release in mid-1996, but was instead reportedly transferred to Tadmur Military Prison allegedly because he refused to sign a statement dissociating himself from past political activities and expressing support for the Government. He was said to be in poor health. On 21 May 1997, the Government replied that Munif Mulhim had been released after the end of the term of his imprisonment and was staying in the city of Homs, Mukharram Faukani village.

418. On 5 May 1997, the Special Rapporteur transmitted an urgent appeal on behalf of Nouh Rasul Mustafa, who was reportedly arrested in Qamishli on 14 April 1997 by members of military intelligence in search of his brother, Nasreddin Mustafa, who was said to be seeking asylum abroad. The whereabouts of Nouh Rasul Mustafa were reported to be unknown.

Tunisia

419. On 28 May 1997, the Special Rapporteur transmitted an urgent appeal on behalf of Abdel Moumen Belanes and Rachida Ben Salem to which the Government replied on 29 August 1997. Abdel Moumen Belanes had reportedly been detained in prison in Nadhor, where he had been tortured on 30 April and 2 May by guards who had beaten him with sticks on the soles of the feet and elsewhere and stood on his chest. His lawyers had reportedly observed bruises on his legs and a swelling on his right arm on 24 May. The Government replied that

arranted. Belanes was said to have remained confined in the civilian prison in Tunis in good conditions, and to have been brought before the Tunis Court of Appeal on 4 June 1997.

420. Rachida Ben Salem had reportedly been arrested with her two daughters on 18 May 1997 in the Ben Guerdane district, as she was preparing to cross the Libyan border to join her husband, a refugee in the Netherlands. She had reportedly been deprived of all contact with her family until 23 May, when her father-in-law had been allowed to take the children away. Her husband's parents and brother had also reportedly been held for 24 hours, during which time the brother had been tortured. According to the Government's reply, Rachida Ben Salem had been arrested on 26 May 1997, had suffered no ill-treatment, and had been brought before the examining magistrate on 30 May 1997. The children had been placed in the care of her husband's family from the outset, and neither Rachida's father nor her husband's parents had been arrested.

Government responses to cases transmitted in 1996

421. Mohamed Hedi Sassi was said to have been arrested on 18 April 1994 and tortured at Den-Den and Bardo police station in Tunis. On 29 November 1996, the Government responded that he was not being held in secret and had not been tortured. On 23 December 1996, the Government informed the Special Rapporteur that Sassi had been released on parole on 14 December.

422. In the case of Radhia Aouididi, said to have been arrested at Tunis airport on 9 November 1996 and held in secret, the Government responded that Aouididi had indeed been arrested but had had the requisite medical attention and was in good health. She had also been visited by her lawyer, and several times by her brother who had never been arrested.

Turkey

423. In a letter of 21 May 1997, the Special Rapporteur transmitted to the Government information on the following individual cases.

424. Hikmet Ercişli, a learning-disabled person who failed to produce his identity card at a gendarme check-point on the outskirts of Kağizman, Kars province, in August 1995, was detained for two days at the gendarmerie post, during which time he was allegedly stripped, blindfolded, beaten, and subjected to electric shocks. The local prosecutor reportedly refused to register a complaint.

425. Sibel Aktan (female), aged 16, was reportedly taken from her home in Ankara on 30 October 1995 to the Anti-Terror Branch of Ankara police headquarters, where she was allegedly subjected to repeated episodes of torture, including blindfolding, beatings, hosing with pressurized water, and threats that she would disappear. When he came to pick her up on 10 November, her 14-year-old brother, Haydar Aktan, was allegedly taken by plain-clothes police and held in a tiny damp cell, blindfolded, beaten, forced to undress, hosed with pressurized water and had his hair pulled. The Government replied

questioning in connection with communist activities, but that medical reports had established that neither had been subjected to torture or ill-treatment.

426. Seyfettin Turan, Yaşar Pinarbaş, Ilhami Kaya, Murat Karafarli, Ahmet Bozdoğan, Selim Hisar, Ali Bozkuş, and Muharrem Kalayci were among 12 transvestites detained at Beyoğlu police headquarters in November 1995. They were allegedly forced to undress, hosed with ice-cold water and severely beaten. Some of them were said to have been beaten on their genitals and had their hair pulled out. They reportedly filed complaints in December 1995 with the Beyoğlu public prosecutor.

427. Sevgi Kaya (female), aged 15, was reportedly detained along with five fellow high school students in Istanbul on and around 7 February 1996. They were allegedly held incommunicado and tortured for some 12 days at Istanbul police headquarters and were subsequently charged with membership of an illegal organization. Sevgi Kaya and her brother were allegedly subjected to torture, including being beaten on the hands and on the soles of the feet, being undressed and beaten on the arms and legs with heavy truncheons, and being suspended with the arms tied to a beam, threatened with paralysis and death. The Government replied on 26 August 1997 that Sevgi and Sinan Kaya, as well as 13 other people, were arrested as part of a security operation against communist activities, that both had injuries which, according to a medical report, would cause a temporary cessation of work for seven and five days respectively, and that Sevgi Kaya had filed an official complaint which had given rise to a public case against five police officers on the grounds of torture and ill-treatment.

428. Zahal Sürücü (female), aged 16, was reportedly detained by plain-clothes police on 14 March 1996 in the Mustafa Kemal district of Istanbul. During interrogation at Istanbul police headquarters, she allegedly had her head repeatedly submerged in a bucket of water, was hung and tied to a beam while being beaten with fists and sexually abused, and was threatened with rape and death. She was later transferred to Sağmalcilar prison, and was said to suffer pain in the kidneys and lung and restricted movement of the hands. According to a government reply of 26 August 1997, three separate medical reports established that Zahal Sürücü was not subjected to torture or ill-treatment during her detention. An investigation was opened following her official complaint of torture.

429. Şerif Burgaz, a 13-year-old-boy from Mersin, and his brother, Mehmet Şirin Burgaz, were allegedly beaten with fists and truncheons by two police officers in May 1996. They were then allegedly subjected to torture at Alanya police headquarters, said to include being stood upon, beatings on the soles of the feet, having the head struck against the wall, being hung, receiving electric shocks to the fingers and toes, and being hosed while naked with cold water. Şerif Burgaz was released on 13 May 1996, while his brother was transferred to Alanya prison. On 26 August 1997, the Government responded that the boys had been detained in connection with a bag-snatching incident and that they were being tried on theft charges, but did not address the allegations of torture.

Mersin. Under interrogation she was allegedly beaten, hosed while undressed with pressurized water, subjected to the administration of electric shocks to her fingers, threatened with death and had a rubber hose pulled tightly around her abdomen while being beaten on the belly and kidneys. The Government replied on 26 August 1997 that Remziye Karakoç had been detained during a security operation, and that it had been established through a medical report that she had not been subjected to torture.

431. Eleven prisoners were reportedly killed and another 24 prisoners were injured during disturbances at Diyarbakir E-type prison on 24 September 1996. The deaths were allegedly caused by blows to the head administered by rapid-intervention police, military forces and prison guards wielding clubs, baseball bats and sticks with nails. Erkan Hakan Perisan, Cemal Cam, Hakki Tekin, Ahmet Celik, Edib Direkçi, Mehmet Nimet Çakmak and Ridvan Bulut were said to have arrived dead at Diyarbakir state hospital; Mehmet Kadri Gumus and Mehmet Aslan reportedly died at hospital and Kadri Demir reportedly died in transit to Gaziantep special prison. Among the reported injured were Ramazan Korkar, Iskan Ozal, Mehmet Batuge, Mehmet Emin Izra, Ramazan Nazlier, Yasin Alevcan, Abdullah Eflatun, Kenan Acar, Hakki Bozkus, Bedri Bozkus, Ahmet Sever and Muhlis Altun. An investigation was said to have been undertaken with respect to a number of police, military and prison personnel involved in the incident.

432. In his letter of 21 May 1997, the Special Rapporteur requested further information from the Government, particularly with respect to developments in investigations and judicial proceedings, in the cases concerning Ismet Çelikaslan, certain disturbances at Buca prison on 21 September 1995, certain incidents at the Ümrniye E-type prison on 12-13 December 1995 and 4 January 1996 and at Eyüp sports centre on 8 January 1996, Metin Göktepe, Döne Talun (aged 12), 16 persons allegedly tortured by members of the Anti-Terror Branch of Manisa police headquarters following their detention on 26 December 1995 and Ferzinde Abi.

433. He also retransmitted a number of cases summarized in previous reports to which no reply had been received.

Urgent appeals and replies received

434. The Special Rapporteur transmitted the following urgent appeals to the Government.

435. Kadir Satik and Mete Demirkol were reportedly detained during a raid on the premises of Komol Publishing House on 23 January 1997 by officers of the Anti-Terror Branch of Istanbul police headquarters and were said to be held at the Anti-Terror Branch in Aksaray (28 January 1997). The Government replied on 6 May 1997 that they had been arrested in connection with a search for terrorist propaganda, and that Mete Demirkol had been transferred to Metris prison, while Kadir Sadik had been released. Neither had been subjected to torture or ill-treatment during their detention.

Necati Abay, Abidin Ezgin, Ismail Ezgin, Sedat Şenoğlu, Enver Akça, Ayşe Erdoğan, Deniz Erdoğan, Dogan Erdoğan, Mustafa Öztürk, Sultan Seçik, Asiye Zezbek, Gönul Karagöz and Bayram Namaz. They were said to be held incommunicado at the Anti-Terror Branch of Istanbul police headquarters (28 February 1997).

437. Recep Maraşli, Director of Komal, and his spouse, Nuran Maraşli, were reportedly detained on 6 March 1997 at Ankara airport, and taken to the Anti-Terror Branch of the Ankara police headquarters. Recep Maraşli was said to have been attempting to leave the country with the passport of Levent Bakanay, who was also reportedly arrested. Recep and Nuran Maraşli had allegedly been tortured during a previous detention (10 March 1997). The Government replied on 1 May 1997 that Recep Maraşli had been detained on terrorist charges, and that the other two persons had been released. None had been subjected to torture or ill-treatment during detention.

438. Mahmut Şakar, Sinan Tanrikulu, Vedat Çetin, Pirozhan Doğrul (female), Özlem Çetin (female) and Nebahat Akkoç (female), all senior members of the Human Rights Association (IHD), as well as Haydar Kiliçoğlu, Ahmed Altindag, and Yusuf Akgun, senior members of the Diyarbakir branch of Eğitim-Sen (teachers' trade union) were all reportedly detained by police in Diyarbakir on 22 May 1997 (26 May 1997). The Government replied on 26 August 1997 that these persons had been detained following authorized searches of their premises, but that they had been released following interrogation. Medical reports had established that none had been subjected to torture or ill-treatment.

439. Twenty-eight persons from Çnarönü village, near Savur in Mardin province, including Bereket Da (female), Ramazan Dmir, Ömer Yüksel, Hüseyin Karakoyun, M. Ali Yüksel, Ali Erol, Musa Erol, Ahmet Turgay, Şerif Yurt, Oktay Yurt, Fikret Yurt, Şehmuz Açan, Abdullah Baran, Şevket Baran, Mustafa Akn, Hasan Kanat, A. Rahman Kanat, Cevzet Turan and Osman Aykal, were reported to have been held in unacknowledged detention in an unknown location since 10 November 1997, when they were allegedly detained by gendarmes from Şürgücü gendarmerie station (24 November 1997).

Information received from the Government on cases included in previous reports

440. With respect to the case of Döne Talun, aged 12, allegedly arrested in Ankara on 12 January 1995 and tortured for five days (transmitted 8 February 1996), the Government replied on 15 January 1997 that she had in fact been taken into custody on suspicion of theft on 13 January 1995, and was released on 14 January. A medical report showed physical findings which would interfere with her daily activities for three days. An application by her father to the Human Rights Commission of the Turkish Grand National Assembly on grounds of torture and ill-treatment between 12 and 16 January 1995 was investigated by the Ankara Public Prosecutor, but resulted in a decision not to prosecute.

441. With respect to Halil Di[illegible]

been initiated by the Office of the Chief Public Prosecutor of Bornova, who subsequently referred it to the Bornova District Administration on 4 March 1996.

442. With respect to Gülbahar Gündüz, reportedly tortured following her detention by police on 21 March 1995, the Government responded that investigations carried out by the Deputy Chief of the Tunceli Police Department had led to a decision not to prosecute. In particular, a medical report of 3 April 1995 had established that Gülbahar Gündüz had not been subjected to torture or ill-treatment during her detention.

443. The Government also responded to two urgent appeals sent in 1996.

444. In the case of Hatice Güden, Filiz Toprok, Mustafa Karaoğlan, N. Kemal Bektaş, Muhittin Evrak and M. Karaça, who were reportedly arrested on 6 March 1996 and held at Ankara police headquarters (appeal 15 March 1996), the Government confirmed that the first five persons were indeed detained and interrogated about links with an illegal communist organization. It was established that none of these persons had been subjected to torture or ill-treatment during detention, and that M. Karaça had not been detained with the other persons.

445. With respect to A. Kadir Bilen, Ömer Akbay and A. Selim Dağkuşu, reportedly detained by soldiers on 29 May 1996 (appeal 31 May 1996), the Government replied on 20 January 1997 that Ömer Akbay had been released two days after his arrest, following referral to the Office of the Chief Public Prosecutor of Silvan, but that the other two persons named had never been taken into custody. It added that no official complaint had been filed on behalf of any of these persons on the grounds of torture or disappearance while in custody.

Ukraine

446. On 12 May 1997, the Special Rapporteur transmitted an urgent appeal concerning Sergey Valkovanyish, who was reportedly arrested by police officers on 27 March 1997 in Makeivka city (Donetsk region). He was allegedly subjected to torture, including beatings to his face, body, arms and feet, and having a gas mask and plastic bag filled with poisonous gas placed over his head. He was said to have suffered broken ribs as a result of the beatings and was reportedly transferred to a location unknown to his family. The Government replied on 24 October 1997 that a medical examination made in response to the detainee's claims of having suffered physical injury revealed only abrasions to the hand which may have been caused by handcuffs. With respect to complaints of unlawful actions by militia personnel, it was decided not to open criminal proceedings, a decision which was confirmed by the Office of the Procurator-General.

United Kingdom

447. In a letter of 28 April 1997, the Special Rapporteur transmitted allegations concerning Bernard Mcginn and Miceal Caraher, who were among five

beaten repeatedly and kicked by soldiers as a result of which he reportedly had to be taken to hospital for emergency treatment. He was said to have suffered injuries to both temples, laceration of the bridge of the nose, the mouth, the right shoulder, and the right ear, the latter requiring stitches, extensive bruising and swelling of both eyes, injury to the back of the head requiring staples, injury to the right arm which made use of his hand impossible, and injuries to his lower back, knees and legs. Soldiers allegedly kicked Miceal Caraher repeatedly and placed a gun inside his mouth.

448. The Government confirmed on 30 June 1997 that both men had been arrested during a security operation as a result of which several persons were charged with serious terrorist offences. It stated that both men had made formal complaints that they were assaulted by soldiers and police officers at the time of arrest, and that these complaints were being fully investigated, the former by the police, the latter by the Independent Commission for Police Complaints.

United Republic of Tanzania

449. By letter dated 13 January 1997, the Special Rapporteur transmitted, in response to a request by the Government, copies of the medical reports in the case of Othman Hamad Othman who had reportedly been tortured at the camp of the anti-smuggling squad (KMKM) on 4 March 1996 (see E/CN.4/1997/7/Add.1, para. 540). On 3 October 1997, the Government submitted its observations on the medical reports. It stated that the medical officer who had filled in the medical examination report was not the one who had treated Othman Hamad Othman and that not all injuries described in the medical reports corresponded with each other. The Government further stated that Othman Hamad Othman had been treated and discharged from hospital at his own request on 5 March 1996 and that he, despite a referral for further examination at another hospital, had only gone there on 14 March 1996. This, and the fact that the type of treatment given to him was only given in cases of minor injuries, suggested that he was not seriously hurt, nor could he have sustained brain damage. The allegations of torture were therefore not reliable, according to the Government.

United States of America

450. By letter dated 17 November 1997, the Special Rapporteur transmitted the following cases alleging excessive use of force by police officers in the New York City Police Department (NYPD).

451. Oliver Jones, a black man living in Bronx, New York, was allegedly assaulted by police officers, while standing in a crowd of people watching the arrest of another man on 2 July 1994. He was said to have been left bleeding and unconscious. Charges that Oliver Jones had stolen a police radio and resisted arrest were said to have been dropped. Two police officers have reportedly been charged with assault.

452. Marcos Maldonado, a Latino supermarket employee, was allegedly subjected to ill-treatment, when mistaken for a [illegible]

pistols and sticks, and kicked in the back, chest and legs. The case was reportedly pending before the Civilian Complaint Review Board by March 1996.

453. Mohammed Assassa, was reported to have died following a struggle with police officers called to his home in relation to a domestic disturbance, on 7 December 1995. He was allegedly beaten and, while unconscious, sprayed with pepper spray. A medical report by the New York City Medical Examiner was said to have classified his death as homicide and attributed it to a combination of factors including heart disease, asthma, exposure to pepper spray and a "struggle involving multiple blunt impacts". The report was further said to confirm that his hyoid bone had been broken, indicating that his neck had been forcibly squeezed. The incident was reportedly under investigation.

454. Richard Butler, reportedly died the day after his arrest by police officers in Brooklyn on 23 December 1995. In March 1996, a report from the New York City Medical Examiner was said to have mentioned acute cocaine intoxication as the underlying cause of death, but also stated that Richard Butler had sustained "multiple blunt impacts" to his head and body during a struggle with police officers and that "the physical injuries contributed to Mr. Butler's death". The case was reportedly under investigation by the Brooklyn District Attorney's office.

455. The Special Rapporteur also transmitted the following cases of alleged ill-treatment of inmates in prisons.

456. Eric Johnson was reportedly subjected to excessive use of force by officers of the Central Intake at Madison Street Jail, Arizona, in November 1994. The officers allegedly slammed his face into a concrete wall and broke his arm, after he had verbally abused them.

457. David Hoyle was allegedly kicked, beaten and repeatedly stunned by officers of the Central Intake at Madison Street Jail, Arizona, in November 1994. He reportedly sustained injuries to the spine and knee and broken teeth as a result. While injured, he was said to have been strapped into a restraint chair for five hours.

458. Bruce Sons was said to have been accidentally incapacitated by a stun belt while talking to his defence attorney during a break in a pretrial court hearing in California, on 16 December 1994. The electric shocks reportedly resulted in welt marks on his back, a picture of which was said to have been presented to the Superior court. The judge reportedly agreed that Bruce Sons had not misbehaved, but ordered him to continue wearing the stun belt. Allegedly, the stun belt could only be removed when Bruce Sons testified.

459. David Dalbec allegedly sustained a broken nose and other injuries after being thrown against a wall for falling asleep during processing at the Central Intake of Madison Street Jail, Arizona, in February 1995. A stun gun was allegedly used to wake him up.

460. James Oswald, a Wisconsin murder trial defendant, was allegedly forced

a stun belt as he was not convinced of his disabilities. James Oswald was said to have claimed that he was stunned twice. The judge reportedly acknowledged that he was accidentally stunned once.

461. Bart Davis was allegedly assaulted by detention officers in May 1995, for smoking a cigarette in the Central Intake area at Madison Street Jail, Arizona. He was said to have sustained a serious eye injury as a result. He was further alleged to have been hit with a stun gun after being strapped into a restraint chair.

462. Richard Post, a paraplegic in a wheelchair, was reportedly detained at Madison Street Jail in Arizona since March 1996. He was said to have been left in an isolation cell for one hour without medical attention despite his request for a catheter to empty his bladder. When trying to seek attention by banging on the window and causing the toilet to overflow, he was reportedly taken from his wheelchair and strapped into a four-point restraint chair, with his arms padlocked and his legs in metal shackles. As a result of the restraint method, he allegedly suffered inter alia compression of the spine and nerve damage to his spinal cord and neck which was said to have significantly decreased the mobility of his upper body. An internal inquiry reportedly concluded that the manner of restraint was resorted to for his own safety and was predicated by his belligerent and uncooperative behaviour.

463. Scott Norberg, an inmate at Madison Street Jail in Arizona, reportedly died in prison on 1 June 1996 as a result of asphyxia, when detention officers who had intervened because of his alleged disruptive behaviour tried to overcome his resistance. The autopsy report was said to indicate that he had numerous contusions and lacerations to his head, face, neck and limbs as well as burn marks resulting from the use of a stun gun on various parts of his body.

Venezuela

464. On 26 May 1997 the Special Rapporteur transmitted the following cases to the Government.

465. Luis Linares was detained on 26 May 1996 in Barquisimeto, Lara, by judicial police officers at the San Juan police station, where he had gone to ask about a brother who had been detained for the theft of a vehicle. With his eyes covered with adhesive tape and hands tied behind his back, he was reportedly suspended by chains that enabled his body to be raised and lowered. He is also said to have had a plastic bag placed over his head, causing partial asphyxiation.

466. Alexander José Pimentel was stopped in the street, on 12 August 1996, by two members of the municipal police of Sucre, Miranda, who reportedly forced him to kneel down, cuffed his hands behind his back and then beat him in that position. They are further said to have put a gun to his head and pretended to shoot him. Alexander José Pimentel is said to have been released, owing to the intervention of neighbours who witnessed the incident, but not before being threatened with death. Alexander José Pimentel's brother, José Luis

police and since then the family was said to have been taking steps to ensure that those responsible were brought to justice. This might have been the reason for the facts described.

467. Félix Faría Arias was detained on 8 March 1997 in Baruta, near Caracas, as he was about to enter his house, by two individuals identifying themselves as members of the Directorate of Intelligence and Prevention Services (DISIP). They reportedly handcuffed him and forced him into a vehicle, where they allegedly beat him and threatened to kill him if he did not answer their questions about the activities of the Bandera Roja party. As well as beating him and putting a gun into his mouth, the agents reportedly blindfolded him and burnt his arms with a red-hot object, leaving him with more than 40 wounds. He was reportedly thrown from the vehicle three hours later and left in the street. The following day he went to the Public Prosecutor's Office to report the incident and asked to be seen by a forensic physician. However, he was reportedly given no attention until two days later.

Information provided by the Government concerning cases transmitted in previous years

468. On 28 April 1997 the Government replied to the following cases.

469. José Félix Rivas, detained on 18 June 1994 at his home in Antimano, Caracas, by members of the metropolitan police. According to the Government, the metropolitan police reported that Mr. Félix Rivas had not been tortured and that he had not been given any medical examination because his physical state was normal and he showed no signs of injury. In the absence of any complaint, no investigation was initiated.

470. Johnathan David Rodríguez and José Torres, detained on 26 March 1995 by metropolitan police officers in Nueva Tacagua, Caracas. According to the Government, the metropolitan police reported that these persons had not been tortured and that they had been taken to and received at the headquarters of the homicide division of the judicial police with no kind of protest being made.

471. Kleiner Alvarado Rodríguez, detained on 20 October 1995 by the metropolitan police in the neighbourhood of La Vega, Caracas. According to the Government, the metropolitan police reported that this person had not been tortured and that he had been taken to and received at La Vega intelligence division of the judicial police with no kind of protest being made. In the absence of any complaints of ill-treatment, no investigation was opened.

Urgent appeals

472. On 13 October 1997 the Special Rapporteur sent an urgent appeal on behalf of Félix Faria Arias, who is said to have been tortured on 7 October 1997 near the campus of Caracas National University, allegedly by members of the DISIP. The torture is thought to have been in reprisal for the reporting of a previous detention, on 8 March 1997, during which Mr. Faria Arias is also said to have been tortured by members of the above-mentioned body.

Yemen

473. By letter dated 9 June 1997, the Special Rapporteur transmitted to the Government the following cases.

474. Muhammad 'Abdullah al-Hayd was one of a large number of detainees allegedly tortured in Si'un Prison in 1995. The torture was said to include beatings with iron bars while having the legs shackled and arms tied behind the back, being urinated on, and being forced to lie naked on slabs of concrete while guards walked upon the bodies of the detainees.

475. Ahmad Sa'id Salmayn Bakhabira was reportedly arrested on 11 June 1996 in connection with links to the National Front for the Opposition (MOG). He died the next day in the custody of the security forces in Si'un, allegedly as a result of torture. His body was said to bear visible torture marks. Although his relatives had requested an investigation into his death, none had allegedly been carried out.

476. Dr. Abu Bakr Al-Saqaf, a 62-year-old university professor who had been suspended from his job following the publication of an article critical of the Government, and Zayn al-Saqaf, Director of a Studies' Institute, were reportedly abducted in Sana'a by five armed men believed to be connected with the armed forces and the Ministry of Interior. They were allegedly beaten severely, leaving Zayn al-Saqaf with a broken arm. Dr. Abu Bakr al Safaq was allegedly abducted again and beaten in December 1995, following his return from a conference abroad during which he had criticized the Government.

477. At least 18 persons had reportedly been sentenced to amputation, but it was unknown whether the sentences had been carried out. 'Ali Ahmad Qassim Khubayzan had allegedly been sentenced in 1995 to have his eyes gouged out, despite the fact that the Penal Code contains no provision for such punishment, in addition to a sentence of amputation of the right hand, left foot, and death. The verdict was said to be under appeal.

478. In connection with allegations that judges had been pressured by security forces to convict defendants in corporal punishment cases, the case of Qassim Jubran 'Ali was reported. While undergoing trial in Lahj on charges of alcohol consumption, the court was reportedly filled with local armed security men. The defendant's lawyer, Bader Ba-saneed, who had allegedly been tortured by security forces when he had met his client in detention, allegedly requested that the judge clear the courtroom to provide an atmosphere free from intimidation. Although the judge ordered the security personnel to leave, there were even more of them at the second hearing, some of them intimidating the defence lawyer. Bader Ba-Saneed was allegedly attacked and flogged by an armed group, without the State security forces intervening. Qassim Jubran 'Ali was allegedly flogged in public without a court verdict.

Urgent appeals transmitted and replies received

479. On 29 May 1997, the Special Rapporteur made an urgent appeal on behalf

each on charges of libel, allegedly as a consequence of having written and published a series of articles critical of a leading politician in the al-Islah party. On 2 June 1997, the Government confirmed the sentence, but said that it had so far not been implemented as the case had been appealed and the final verdict had not yet been reached. The Government further emphasized that the judicial system in Yemen was totally independent, that courts depended on the Shari'a as the main source of laws and regulations, and that the Government had no legal authority to intervene.

480. On 12 August 1997, the Special Rapporteur transmitted an urgent appeal on behalf of Muhsin Ahmad al-Amudi and Muhammad Umar Zin, both members of the opposition party, the League of the Sons of Yemen (LSY), Alwi 'Abdullah bin Samid and Fuad Qa'id, both journalists, and Dr. Ahmad Abdullah bin Bubakar and Bader Tindus, who were reportedly kept in incommunicado detention following their arrest on 30 July 1997 in Aden, Hadhramout, Lahj, Abyan province, by members of the Political Security.

481. On 21 November 1997, the Special Rapporteur made an urgent appeal on behalf of Hussein Ba'um, Secretary of the Yemeni Socialist Party (YSP), in Hadhramout province, Muhsin al-Amudi and Hussein Sa'id al-Muhammad, both members of the LSY, and at least 28 others who had reportedly been arrested between 10 and 13 November 1997 in Hadhramout province following protests against a government proposal to divide Hadhramout into two provinces. They were reportedly held incommunicado in Mukalla prison until 18 November where they were said to have been subjected to beatings with sticks as a result of which Hussein Sa'id al-Muhammad reportedly suffered internal bleeding.

Yugoslavia

482. By letter dated 9 June 1997, the Special Rapporteur transmitted a number of cases of alleged torture or ill-treatment. On 20 November 1997, the Government replied to most of these cases. The allegations, followed by the Government's reply, are summarized below.

483. Dušan Lukić reportedly died on 24 March 1995 at the Emergency Medical Centre in Belgrade, as a result of torture. According to the autopsy report, he had sustained contusions caused by blows with a blunt object inflicted two to three weeks prior to death. He had reportedly been detained on 5 March 1995. While in custody, he was said to have been beaten after his hands and feet had been tied and a bullet-proof vest had been placed on him. The public prosecutor's request for a report on the incident was reportedly not complied with nor was any action said to have been taken against any of the officers. The Government replied that the district public prosecutor of Belgrade had lodged a complaint against three officers of the Ministry of Interior and one police officer suspected of resorting to violence to extract a confession for theft from Dušan Lukić. The Belgrade District Court had started investigations into the complaint but had not yet completed them due, inter alia, to the outstanding number of witnesses to testify.

484. Husno Bihorac was reportedly detained on 18 September 1995 in Novi Pazar. At various detention locations, he was allegedly tortured by several identified officers in order to extract a confession. He was reportedly beaten and punched all over his body while handcuffed to a radiator

and beaten repeatedly on the soles of the feet with sticks. He was said to have filed a complaint with the Novi Pazar district public prosecutor's office against the State security officers on 7 June 1996. The Government replied that the Novi Pazar district public prosecutor had initiated an investigation, but that the criminal charges against the State security officers had been dropped on 20 June 1996, since they had been brought eight months after the alleged offence, and the doctor's certificate appeared not to be officially registered. Husno Bihorac had not contested this decision.

485. Žikica Ivanović and Zoran Petković were allegedly tortured at Kragujevac police department following their arrest on 27 December 1995, in order to extract a confession of theft of arms. Žikica Ivanović was allegedly beaten with wooden clubs and on the soles of the feet during 28 days in investigative custody. Zoran Petković was allegedly hit on the head with a ledger of three or four kilos and subjected to electric shocks. The Government replied that no proceedings had been initiated since no criminal charges had been filed. It stated that Žikica Ivanović had confessed to the crime of theft and had not referred to the use of force or intimidation. Zoran Petković had not confessed and maintained that he had been harassed during initial investigation. However, since no traces of violence or any other proof had been discovered on his body and as the police officers had denied the charge, no proceedings had been initiated.

486. Jovan Dimitrijević, an army reservist, was reportedly called up for a two-day military exercise from 24-26 January 1996. At the Vaslije Djurović-"Zarki" barracks in Zaječar, six military police officers allegedly beat him with a spade handle and rubber clubs and punched him in the face and body, so as to get him to confess to stealing and selling a missing rifle. The Government replied that the military prosecutor of Niš had filed a complaint against a military officer for the offence of extortion of testimony. The case had been forwarded to the military court of Belgrade which initiated the investigation on 3 June 1997. The process was still under way.

487. Ermin Gerguri was reportedly detained by police in Pristina, Kosovo, on 27 February 1996, after he had intervened to protect a 10-year-old boy who was being assaulted by a crowd. In the van, he was allegedly beaten and suffered a broken lower left jawbone. The Government replied that the Pristina district public prosecutor's office had been investigating criminal charges against Slobodan Bacevic, but that it found that he was not a member of the Pristina police nor guilty of the criminal offence of abuse of duty.

488. Željko Zorić was reportedly stopped by a police patrol after having run away from two police officers who allegedly broke the strap of his watch during an identity check in Temerin, Vojvodina, on 30 March 1996. Two identified officers allegedly punched and kicked him repeatedly, as a result of which he passed out, and was diagnosed with several fractured ribs at the Emergency Treatment Centre in Novi Sad. The Government responded that Željko Zorić had been charged for obstructing an official in carrying out his duty of maintaining public order but that the investigation had not yet been completed. Letters rogatory had been lodged to inititate proceedings against the accused, suggesting that apart from the testimony of the accused witness testimonies, medical reports on the injuries and a psychiatric opinion on the

mental competence of the accused would be provided. As for the criminal charges filed by Željko Zorić against the officers, the Government stated that the Novi Sad district public prosecutor was awaiting the outcome of the previously submitted letters rogatory.

489. Osman Rama was reportedly detained by plain-clothes police personnel on 17 September 1996 in the Srbica area of Kosovo. He was allegedly hooded and taken to a basement area at an unknown location and tortured over the course of six days. The torture was said to include having his hands tied with chains; being punched and kicked; being beaten with rubber truncheons to his head, face and genitals; and being hung upside down with his legs tied. The Government replied that no criminal charges had been filed in this case and that therefore no proceedings had been initiated.

490. Dejan Bulatović was reportedly detained on 6 December 1996 at November 29 Street police station in Belgrade, where police personnel allegedly beat him, forced a rubber truncheon up his rectum and put a gun barrel in his mouth, threatening to shoot.

491. Zoran Siminovic, a deputy to the federal parliament, was allegedly beaten unconscious and suffered a severe concussion during a protest action in Kragujevac on 23 January 1997. He was hospitalized as a result. The Government replied that during the protest action, which had been organized by Zoran Siminovic, one of the demonstrators had inflicted light bodily injury on a police officer with a chain. This had provoked the use of physical force by the police to unblock the road with the use of clubs. A number of persons were struck, including Zoran Siminovic. Complaints had been filed against a number of police officers on charges of abuse of duty, but the charges had been dropped since recourse to physical force had not been found illegal in the circumstances by the Kragujevac district public prosecutor.

492. Nait Hasani, from Prizren, Kosovo, was reportedly arrested on 28 or 29 January 1997 on suspicion of terrorist activities. He was allegedly beaten severely by police and fell into a coma. After having spent two days at the Pristina hospital, he was allegedly again taken by the police and subjected to torture, including electric shocks, at an unknown location, in order to get him to make incriminating statements. He was reportedly held incommunicado until he appeared before an investigating judge in Pristina on 28 February. The Government replied that the Pristina district public prosecutor had not initiated any proceedings since no charges had been filed.

Urgent appeals

493. On 5 February and 15 October 1997, the Special Rapporteur made two urgent appeals on behalf of a number of demonstrators said to have been ill-treated by police officials. The first appeal addressed the case of a group of demonstrators who had allegedly been beaten by the police in Belgrade on the night of 2-3 February 1997. A substantial number of them were said to have received hospital treatment. Vesna Peić, a parliamentary deputy and leader of the opposition party Civil Alliance, and Ljubivoj (Ljuba) Tadić, an actor, were reported to be among those injured. The second appeal concerned a group of 350 ethnic Albanians, including participants, journalists and bystanders at peaceful demonstrations on 1 October 1997 in several towns in

Kosovo. Many were reported to have suffered substantial injuries, including Arta Shehu from Pristina, who allegedly suffered two broken ribs; Remzije Bajrami, whose left eye was reportedly injured; Habib Azemi, who was said to have sustained injuries to the kidneys and genitals; and Ibrahim Rama, who was reportedly injured on the head and ribs. Some persons, including Driton Lajqi, were allegedly beaten in custody.

Zambia

494. On 7 November 1997, the Special Rapporteur transmitted an urgent appeal on behalf of Dean Mung'omba, president of the Zambia Democratic Congress, and military officers Captains Stephen Lungu, Jack Chiti and Musonda, and Majors Bilex Mutale, Bellington Mukoma and Kanga, who were reported to have been arrested along with 27 other people following a coup attempt on 28 October. They were detained in the Central Police Headquarters in Lusaka, where several of them were allegedly tortured. Dean Mung'omba was said to have been subjected several times to a method known as "the swing", consisting of beatings while suspended from a metal bar with the hands handcuffed and the legs tied by a rope. He was also said to have been subjected to electric shocks, and to have been questioned continuously for up to 18 hours. Captain Stephen Lungu was reportedly tortured so badly that his cell-mates initially thought he was dead.

Other communications: information transmitted to the Palestinian Authority

495. On 2 December 1997, the Special Rapporteur transmitted to the Palestinian Authority an urgent appeal on behalf of 'Abd al-Hakim Ahmad Bani Odeh who was said to have been held in Jneid Prison in Nablus since 11 November 1997. He was reportedly beaten on the legs by members of the Palestinian Preventive Security Service during interrogation and was said to have been interrogated throughout the night following a telephone call from Amnesty International to the prison directorate inquiring about his situation. Requests for access by his family and lawyer had reportedly been unsuccessful.